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ABSTRACT

The majority of European countries do not recognize working children as a cause of concern, but rather consider it a past and/or solved problem, or one present only in developing nations. This report presents the results of a questionnaire study, undertaken by the European Forum for Child Welfare (EFCW), which investigated at a grass roots level the presence of working children in European countries. Information was obtained through a questionnaire sent to non-governmental child welfare organizations, all EFCW members, to determine how the network of child welfare organizations deals with working children and their awareness of the issue. Chapter 1 of the report presents relevant definitions, focusing on legal differentiations made among child labor, work, and employment. Chapter 2 considers the state of international law concerning child work and the protection of the work of children. Chapter 3 examines the state of ratification of the main international pieces of legislation related to working children and includes a table delineating the national education and child labor legislation for European Union countries. Chapter 4 contains case studies for the United Kingdom, Greece, Italy, and Portugal to illustrate different approaches used to deal with working children. The report concludes that children in Europe work in both exploitative and beneficial situations. Finally, the report includes recommendations for systematic research on several aspects of child work, eradication of all forms of hazardous and exploitative child work, careful differentiation between the usefulness of international instruments articulating universal principles and the need for flexible and relativist programmatic approaches. Contains 82 references. (KB)

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European Forum
for Child Welfare

Forum Européen pour
le Bien-être de l'Enfance

A REGIONAL GROUP OF THE
INTERNATIONAL FORUM FOR CHILD WELFARE

Living on the edges

Children who work in Europe

From exploitation to participation

by Roberta Cecchetti

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Roberta Cecchetti
Project Manager
European Forum for Child Welfare

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Bruxelles, June 1998

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Foreword

Child labour exemplifies the global nature of child welfare. Although to many people in Europe the term may at first conjure up images of children working for little reward in sweatshops in the developing world, this is in fact, an incomplete picture. While it is a fact that millions of children in developing countries work to earn enough money for their own or their families' material survival, those of us in Europe have little reason to be complacent or to distance ourselves from the issue. For, whether as purchasers or textiles, footwear, carpets and other goods from developing countries of as consumers of services made more affordable by the excessive and inadequately rewarded employment of young workers in restaurants, bars, delivery services and so on, child labour has a relevance for us that most would prefer to disregard.

The exploitation of children in work is a violation of their human rights and a gross waste of human potential. Child labour is both an old problem and a very new one. Having been evident in the beginning of the global industrialisation process, it is not only still prevalent in many developing countries but the drive of consumerism in recent decades has led to increased numbers of young people entering the labour force in industrialised countries. And while officially child labour is illegal in most countries, we all know that it continues as a reality and a major concern, not only in the developing world but also in the Member States of the European Union.

The fact that the United Nations Convention on the Rights of the Child, other international conventions and, indeed, EU legislation provide for the protection of children and young people from exploitation in employment, at least demonstrates a recognition of this reality. Indeed it is the realisation that, irrespective of the public stance of a number of Governments, not only does child labour exist but in some instances the number of children involved is increasing, tat highlights the urgency and necessity of this European Forum for Child Welfare study.

EFCW is fundamentally committed to the cause of working children and recognises that it is a complex issue which needs a considered and integrated response. Children, and in this case, working children are to be consulted and heard before adopting rigid positions and initiatives on the issue. Indeed the first objective of this study is to create awareness amongst the EFCW membership of the

child work situation in Europe and to give the international debate a valuable input from the bottom.

It gives me great pleasure to introduce this report, to congratulate Roberta Cecchetti on its professional preparation and to commit EFCW to further action on this critical issue for children in Europe and beyond.

Dublin, Ireland *1 June 1998*

Owen Keenan
President
European Forum for Child Welfare

Introductory note

1989 was indeed a historic year. It was then that, among others, the *United Nations Convention on the Rights of the Child* surfaced and the Berlin Wall crumbled. Both events were intricately linked in the sense that they carried the message and the potential to bring about democracy, human rights, social justice and free markets. Yet, at the beginning of the 21st century, so-called liberalised markets have certainly been established, or were rather enforced, in many more corners of the globe. But the other imperatives, far from being turned into reality, have instead been relegated to second-class status and are gradually subordinated to the allegedly more pressing demands of what has become *the* catch-phrase of modern times - *globalisation*.

As the world moves towards a global economy, we are, nevertheless, confronted with a clear choice between sustainable, equitable economic growth and cut-throat competition that is intrinsic to real-existing capitalism and puts profit before humane development. One facet of *globalisation* is the exploitation of children in work across the globe, and the numbers are growing. Currently, and on a worldwide scale, the phenomenon of child labour governs the lives of almost 250 million children.

Child labour is usually characterised by extremely low or no wages, long hours, hazardous and unhealthy conditions, lack of physical security, and its victims treated as shabby and cheap commodities to be discarded once they have outlived their usefulness. Many thousands of children are kidnapped or sold and/or kept as slaves with no rights and constant physical and psychological

abuse. Child labour, far from disappearing along with other abuses of the nineteenth century, is becoming a structural part of many economies in both the formal and informal sectors. Child labour is a symptom of unrestrained market forces and the growing divisions of wealth within and between nations.

Many children are forced to work because of poverty. Especially where adult unemployment is rampant and social security lacking, families may be forced to allow their children to work simply in order to survive. Because of its effects on the health and education of children, child labour is also a major cause of poverty, creating a vicious circle from which there seems to be no escape. Under the pressure of economic crises, many governments seek loans from the international financial institutions under stringent structural adjustment programmes. This, in addition, means withdrawal of vital resources from social programmes, in particular to pay off debts. Large-scale unemployment resulting from *privatisation,* the twin-brother of *globalisation,* has exacerbated the situation.

In this context it is outrightly scandalous that two newly-emerging nuclear powers, Pakistan and India, which time and again have been acclaimed in the West as "show-cases of democracy in South Asia", spend one-third of the budget on the military and hardly two percent on education of its children (as is the case in Pakistan), and the school drop-out rates in India's hand-made carpet producing areas approach 85%. Such appalling developments are not confined to so-called Third World countries. Even in different parts of Europe, as this study vividly demonstrates, an increasing number of children attend school full-time but also work outside school hours, sometimes in dangerous situations with long hours, thus allowing child labour to creep into the mainstream of economic activities.

Although most countries have laws against child labour, take steps to enforce them and did sign the *UN Convention on the Rights of the Child* along with relevant conventions of the *International Labour Organisation (ILO)*, there exists, nevertheless, a minority of governments which tolerate child labour in the belief that this can gain them a competitive edge in a globalised economy. As the global free trade agenda becomes a reality, sustainable and equitable development risks being undermined in the name of cut-throat competition. Therefore, proper actions are warranted - to say the least - to secure the incorporation of a Social Clause in international trade agreements that would involve cooperation between the ILO as principal player of the United Nations and NGOs committed to the welfare of children. The overriding concern should be to stop countries undermining their trading competitors through systematic use of child labour, forced labour or discrimination, or by suppressing the rights of trade unions to organise and bargain collectively.

Since child labour is a global problem, it urgently requires global solutions and needs to be combatted effectively through concerted

national and international actions. No one should be given the chance to play with and gamble away the children's own rights to a past and present in dignity. Above all, genuine economic progress can only occur when adults are in work and children in school, securing the most valuable resource for the future - a well-trained and educated workforce.

Although the main focus of the *Stiftung fuer Kinder* for over a decade now has been working with children in situations of armed conflicts, we supported this study from its very inception. Ms. Roberta Cecchetti's findings merit a wide circulation and should serve as a further encouragement to research and committed action to all those who are not of the opinion that we already live in the best of all possible worlds.

Freiburg i.Br./Germany *1 June 1998*

Dr. Rainer Werning
Executive Director
Stiftung fuer Kinder &
Member of the Executive Committee
International Forum for Child Welfare (IFCW)

Introduction

Researching in children and work in Europe constitutes a challenge. Child work has recently been reported to be present in European countries but the situation is inadequately documented: very little has been clearly and in-depth investigated.

When one comes to Europe all the discussions that are going on at international level - the new ILO Convention on the abolition of the worst forms of child labour, the global march against child labour, social clauses and labelling practices - do not completely suite to European working children. In Western European countries forms of unacceptable child labour exist and include commercial sexual exploitation, sexual and physical abuse of child workers; exploitation of domestic workers; child trafficking, employment of children under hazardous conditions, and problems of street children. In countries of Central and Eastern Europe the transition to a market economy, increasing poverty, and the restructuring of the welfare system have made economic exploitation of children more likely, and has been reported in many of these countries. Roma minorities suffer from particularly high levels of poverty and child work.

However, there is a large number of European working children who want to do so, who, successfully or not, combine school and work, students and workers at the same time working for their consumer desires. This is the reason why, particularly for Europe, (but this could be applicable to the entire world) a large variety of definitions come up and are needed: child work, child labour, child employment, economic exploitation of children. They describe various situations in which working children are involved throughout Europe: children belonging to ethnical minorities, children willing to work, children belonging to poor households and therefore obliged to work, street children working to survive, etc.

For all European Governments, child work is regulated in very deep details (due both to national law and ratification of international conventions and treaties) but this does not prevent children from being employed illegally, under the minimum age for admission to work, without respecting working time and conditions. And actually this is the situation in some European countries and member countries of the European Union.

Moreover, the majority of European countries do not recognise working children as a cause of concern or an issue to be dealt with. They would rather consider it a past and/or solved problem. Lack of

official data clearly shows the Governments position and understanding.

This led EFCW to involve its membership in a research project in order to investigate at the grass root level any presence of working children in European countries and to give to the issue an NGO perspective.

For this purpose, we sent to EFCW members a questionnaire, the aim of which was to show how our network of child welfare organisations is dealing with the working children topic, what the concrete awareness of the issue is, and background and knowledge. At the same time this would give to the international debate a real added value, by reporting new information and data.

The questionnaire, which included 13 multiple choice questions, was divided into four main parts: 1. The analysis: NGOs were asked to put together official or estimated numbers of working children in their countries, divided by the kind of activities and age ranges. They had to give a series of main reasons for children being at work. 2. Existing actions and projects: NGOs put in this part all the relevant information about their own projects related to child work: working methods, co-operation with other organisations, kind of activities, difficulties, etc. 3. Proposal for concrete actions: On the basis of national situations, NGOs identified a priority of recommended actions to deal with the child work issue both at national and international level. 4. Opinion and thoughts about child labour: A collection of opinions on the social clause in multilateral agreements[1].

The collection of data and figures presented a real challenge for EFCW members and revealed the absolute scarcity of researches, statistical data, concrete actions and projects in this field. A lot of members experienced and faced this lack and, due to their focus on different areas of child welfare, some of them could only give a general overview of the situation of working children in their country. On the other hand some other members carried out a very in-depth research, involving professionals, experts, researchers, child welfare/rights NGOs and Government Departments. The results, in these cases, are really impressive.

Besides the outcomes of EFCW survey, the study implied the collection, analysis and use of the existing data and information, even if scarce, on child work and labour in European countries.

This study is not therefore meant to be a comprehensive overview on child work in Europe, but after having given an exhaustive view of the international pieces of legislation on child work and their state of implementation in the EU Member States, it analyses four case studies: the United Kingdom, Greece, Italy and Portugal.

[1] The full text of the questonnaire is reported in the Appendix.

These case studies were selected on the basis of different approaches that can be used to deal with working children in Europe: the United Kingdom case will gives the perspective of child work and children participation, Greece and Italy cases will analyse the relationship between immigrants and child labour, and Portugal is mentioned as one of the EU Member States where street children constitutes a relevant phenomenon of concern and where concrete actions are taken to deal with it. Besides the different results and approach of each case study, every one of them is, in itself, a good model of practice because of the research and concrete work which stay behind them. In addition to this, one of he main sources used for the present survey were children, directly contacted and heard, their opinions and experiences were seriously taken into account. Fo, this reason we would say that this is a bottom-up survey that, even if not exhaustive and complete, contributes to the international debate with the voices of working children.

Finally we would like to underline that the role of child welfare NGOs is closely connected with child work issues: services and concrete help to children together with listening to them and understanding their situation, concretely improve their living conditions and could therefore have an impact - if necessary - on the causes that lead children to work.

Chapter 1
Children and work in Europe

SUMMARY: **1.1** Introduction - **1.2** Child and childhood - **1.3** Child labour, child work, child employment - **1.4** Street children, children on the street, children of the street - **1.5** Children's participation and right to work - **1.6** Children who work in Europe

1.1 INTRODUCTION

The readers of a study on child labour usually expect data and numbers. Child labour exists in industrialised country beyond all doubts, and in European countries as well. Nevertheless statistics are lacking and known figures derive mainly from guesswork and estimations.

A basic reason for the lack of accurate figures - besides the scarcity of methodological studies - is that no one can agree on definitions. There is no single, clear-cut definition of child labour under international law. And when one comes to child labour, different problems arise: What is a child? What is the idea of childhood? Is there any difference between child labour, child work and child employment?

To define what child labour is, one should clarify what kind of ideas and concepts remain behind it.

This chapter will give some possible interpretations and approaches.

1.2 CHILD AND CHILDHOOD

It might appear quite simple to neatly define what or who a child is. Traditionally a child has been defined as a comparative negative: a child is an individual who is not yet an adult. But this definition does not answer two basic questions: when does childhood start (with conception or with birth?) and when does it finish? Can age be the only criteria to distinguish between adulthood and childhood?

Although any definition of childhood is inevitably artificial, much arbitrariness of the definition also derives from attempts at sub-

dividing childhood: in English one can find different overlapping terms such as baby, infant, juvenile, adolescent, youth, young person and minor[1].

The term most frequently associated with childhood is minority: minor, as opposed to major, conceals the notion that children are lesser or incomplete beings because they are not always able to determine and act in their own best interests, something arguably which they share with many adults.

Indeed, the definition of what a child is, is strongly linked to the debate on competence: there has been a lot of argument about whether children should be considered able to exercise their rights. The most fundamental, recurring objection against autonomous rights for children is their supposed incompetence to take well-founded decisions. According to this view children are not sufficiently mature physically, intellectually and emotionally and they lack the necessary experience to make a rational judgment on what is and is not in their interest[2].

A lot of empirical experiment demonstrate that children have been shown to be psychologically much more articulate than is generally thought. In daily life they appear to have more resilience, strength and perseverance than was thought 'theoretically' possible[3].

This is a debate that cannot be fully treated in this report and would require an in-depth digression on social, cultural and economic determinants of childhood, the family educational responsibilities towards children, the State's role.

Nonetheless, definitions are useful means when one comes to studies and researches because they bound the field and make the data and results comparable.

In international law the first reference to childhood is found in the preamble to the **Declaration on the Rights of the Child 1959** which provides '*Whereas the child by reason of his physical and mental immaturity needs special safeguards and care, including appropriate legal protection, before as well as after birth*'. Curiously in 1924 it was felt unnecessary to define a child[4].

According to the **United Nations Convention on the Rights of the Child 1989** "*a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier*" (Article 1).

The Convention on the Rights of the Child does not restrict a State's discretion to provide under its domestic law the point in time when childhood begins; hence, under the Convention, the beginning

[1] VAN BUEREN G., *The International Law on the Rights of the Child*, Save the Children, 1995, p. 32.
[2] VERHELLEN E., *Convention on the Rights of the Child, Background, motivation, strategies, main themes*, Garant, 1994, p. 25
[3] VERHELLEN E., *Convention on the Rights of the Child*, op. cit., p. 26
[4] VAN BUEREN G., *The International Law on the Rights of the Child*, op. cit., p. 33.

of childhood and therefore life itself is to be determined by the States Parties own domestic legislation[5].

Neither the 1924 nor the 1959 Declaration on the Rights of the Child defines when childhood ends.

On the contrary, the abovementioned Convention sets the age at which childhood ends, even if it recognises the faculty to States Parties to set a lower age limit. There is a realisation, as is reflected in the Convention, that there has to be some congruity among the legal limits and that there ought to be a rational relationship between a particular minimum age and the purpose which it is supposed to serve[6].

By linking the international definition of child to the national law on majority, the Convention attempts to accommodate the existing cultural and religious diversities reflected in national age limits. Indeed, there are enormous differences between societies and cultures as to the role of children within the family and the community, leading to inevitable differences in how communities view the duration of childhood: the attainment of a particular age, the ability to perform specific acts or the capacity to carry out particular functions. The minimum ages are inevitably arbitrary, as they cannot reflect the speed of development of each individual child[7].

Another problem is that international legislation tends to work with a global model of childhood based on middle-class children in the North (and the South), who *do* go to school, play, live in increasingly private families and are assumed to be helpless and not able to carry out adult tasks[8].

Childhoods are not the same. In poor communities in the South as well as in the North, many people younger than 18 years might:

- work for their living and be supporting their families;
- smoke, drink alcohol and have sexual relations;
- care for younger children of employers, of parents and often of their own;
- not be living with their own families, but with an employer, a partner, alone or with a group on the street;
- not go to school because they are working, there is no school, they cannot afford it, the curriculum is irrelevant, their parents will not send them[9].

In some national legislations there are specific provisions which regard the majority as a status which can be attained by satisfying criteria other than age. Such criteria include the legal concept of emancipation, which States have developed to accommodate

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[5] VAN BUEREN G., *The International Law on the Rights of the Child*, op. cit., p. 34.
[6] VAN BUEREN G., *The International Law on the Rights of the Child*, op. cit., p. 36.
[7] *Ibidem*.
[8] ENNEW J., *Street and working children, A guide to planning*, Save the Children, 1994, p. 11.
[9] ENNEW J., *Street and working children, A guide to planning*, op. cit., pp. 10-11.

situations where young people have to achieve de facto independence from parental control prior to the general age of majority through, for example, marriage or military service[10]. The doctrine is far from being universal.

There are a number of international treaties concerning children which set different age limits: The Hague Convention on Civil Aspects of International Child Abduction 1980 and the European Convention on the Recognition and Enforcement Decisions concerning Custody of Children and on Restoration of Custody of Children 1980 define a child as being under 16[11]. The ILO Convention concerning the Minimum Age for Admission to Employment 1973, sets as the minimum age for any employment which is likely to jeopardise a person's health, safety or morals, and establishes a general minimum age of 15 for employment.

The international community is still far from agreeing on a universal definition of childhood, and it is at least arguable as to whether such a universal definition is even desirable.

1.3 CHILD LABOUR, CHILD WORK, CHILD EMPLOYMENT

The different kinds of childhood and the consequent different levels of maturity and development of a child appear even clearer when one considers children who work.

There are obviously different stages in childhood: it must make a difference whether a child starts its working life on the street at 6, 10 or 14 years of age. If you start work at a very young age, you are unlikely ever to start school; if you start at 14 you may already be literate, numerate and have a number of skills. There are different dangers involved in working with heavy weights or toxic substances as a toddler, before and at puberty, and in your teens, Overall lifetime changes are fundamentally governed by such questions[12].

Perceptions of what constitutes childhood vary widely between cultures and full-time work may be considered the most appropriate activity for a poor, low caste, or minority child. Likewise, girls may be expected to work while their brothers attend schools. The inequalities in social and educational services provision and in economic opportunities between rural and urban areas can create particular pressure: on rural children to work long hours and not to attend school, on urban children to take advantage of particular economic 'opportunities'. Children living and working away from their families are often particularly vulnerable to exploitation[13].

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[10] VAN BUEREN G., *The International Law on the Rights of the Child*, op. cit., p. 37.
[11] VAN BUEREN G., *The International Law on the Rights of the Child*, op. cit., p. 37.
[12] ENNEW J., *Street and working children, A guide to planning*, op. cit., p. 12.
[13] INTERNATIONAL SAVE THE CHILDREN ALLIANCE, *Position on Child Work*, February 1997, p. 2.

Forms of child work vary enormously from country to country and from culture to culture. Not all forms of economic activities that children might carry out can be considered as detrimental or harmful.

On the sixtieth anniversary the International Labour Conference's adoption of the first convention on child labour (in industry, 1912) the then Director-General of ILO, *Francis Blanchard* wrote: "This is what child labour is: not teenagers working a few hours a week for pocket money; not youngsters who help out at home; not children living on farms who lend a helping hand; but children who, at an early age, lead the life of an adult, working long hours for a pittance in circumstances which can damage their health, and their physical and mental development, children who are often denied any opportunity of meaningful education and training, which might lead to a better future for them". Consequently, he feels we should not describe as child labour work carried out by the child which forms an integral part of the socialisation process and a means of transmitting skills[14].

The *International Working Group on Child Labour* (IWGCL) makes a distinction between **child labour** and **child work**, and has adopted the definition in the Encyclopaedia of Social Sciences: 'When the business of wage-earning or of participation in self or family support conflicts directly or indirectly with the business of growth and education, the result is child labour. The function of work in childhood is primarily developmental and not economical. Children's work then is a social good, is the direct antithesis of child labour as a social evil'[15].

There is another distinction which takes into consideration another term: child employment. In this case 'child labour' implies the trading of work as a commodity in a formalised workplace; 'child work' implies any task undertaken as a contribution to the household economy or the functioning of the household; and '**child employment**' which implies a contractual arrangement with an employer for the fulfilment of tasks in return for pay[16].

However, these terms - which are not always easy to translate into other languages than English - are still used somewhat imprecisely and interchangeably.

The extent to which work is harmful or beneficial to children depends on a number of factors, including the type of work, the hours they work, their age, their access to education, whether or not they are separated from their families for long periods and the degree of exposure to specific hazards[17].

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[14] VERHELLEN E., *Convention on the Rights of the Child*, op. cit., p. 106.

[15] INTERNATIONAL WORKING GROUP ON CHILD LABOUR, *Towards a strategy for the global eradication of child labour*, p. 2.

[16] CHILDWATCH INTERNATIONAL AND THE NORWEGIAN CENTRE FOR CHILD RESEARCH, *A report on the child labour section*, Urban Childhood Conference, Trondheim 9-12 June 1997, Prepared for International Conference on Child Labour, Oslo, Norway, 27-31 October 1997, p. 13.

[17] INTERNATIONAL SAVE THE CHILDREN ALLIANCE, *Position on Child Work*, op cit., p. 1.

Clare Feinstein, the Project Co-ordinator of the International Working Group on Child Labour, considers it to be more appropriate to have a conceptual approach towards child work and would place child worker situations along a continuum ranging from those that are intolerable under any circumstances, to those that are largely accepted as beneficial to the child. At one extreme are to be found working situations which constitute gross violations of child rights such as prostitution; at the other, tasks as child-minding, helping with domestic chores, or assisting a parent at a market stall. Most 'child labour' situations would tend towards one end of the continuum; much 'child employment' and 'child work' would tend towards the other; but there is no generic position on the continuum on which the vast majority of working child situations automatically fall[18].

A similar conceptual approach was adopted by the International Labour Office in a study undertaken under the International programme on the Elimination of Child Labour (IPEC)[19]. The study cites White[20] who distinguishes four principle possibilities of consequences of children's economic activities on their physical and social development within a continuum of child labour situations, as shown in Figure F-1.

Most forms of child labour cannot be assigned a priori to either of these categories. Whether some activity is judged to be harmful or beneficial to the child depends on the specific circumstances of the activity, as well as on the personal view of the observer[21].

Figure F-1: A Continuum of Child Labour Situations

INTOLERABLE	DETRIMENTAL/ HAZARDOUS	NEUTRAL	POSITIVE/ BENEFICIAL
[----------➡	----------➡	----------➡	----------]
cannot in any circumstances be 'humanised'	can potentially be made safer/ less harmful		

Source: WHITE B., *Globalisation and the Child Labour Problem*, op. cit., p. 13.

In addition to this, one has to take into account that what children perceive as positive or beneficial to themselves might be intolerable from the point of view of the adults, and vice versa. Additionally,

[18] CHILDWATCH INTERNATIONAL AND THE NORWEGIAN CENTRE FOR CHILD RESEARCH, *A report on the child labour section*, op. cit., p. 13.

[19] HEMMER H.R., STEGER T., AND WILHELM R., *Child Labour in the Light of Recent Economic Development Trends*, Working Paper for the International Programme on the Elimination of Child Labour (IPEC), 1997.

[20] WHITE B., *Globalisation and the Child Labour Problem*, Child Workers in Asia, 4th Regional Consultation, Bangkok, 18-21 October 1995, Institute of Social Studies, The Hague, 1995.

[21] HEMMER H.R., STEGER T., AND WILHELM R., *Child Labour in the Light of Recent Economic Development Trends*, op. cit., p. 3.

parents can be expected to judge the work of their own children in a different way than other adults would do.

This shows the necessity to understand the wide and complex nature of child work, a necessity which goes far beyond a static and universal definition (and approach) of child labour.

In applying the continuum approach, not only the occupation and the working conditions need to be considered, but also the characteristics of the child workers themselves, including developmental status, gender, age, education and ability. The process of evaluation enables a policy-maker or practitioner to determine whether the nature of the occupation is a problem, in which case removal from the workplace will be indicated; or whether the terms and conditions operating in a specific workplace constitute a problem, in which case their improvement may be more suited to the child's best interests. The child worker's own perspective on the workplace and the terms and conditions of work will also be pertinent to the choice of response[22].

Given the fact that it is difficult to draw the line between child labour and child work, and there are also variations between societies, and sub-groups in societies, in the way people view children's work, some principles have to be borne in mind when trying to decide between child work and child labour. There are forms of child work which threaten the child's physical, psychological, emotional and social development because:

- children are **too young** to be doing this kind of work;
- the hours are **too long**;
- children are **too small** for the tasks and tools involved;
- they are paid **too little**;
- the work is **too hard** for a small growing body;
- they have **too much** responsibility;
- the work is **too dull** and repetitive, and does not stimulate their development;
- the working environment is **too dangerous**: chemicals, excessive heat and noise, dangerous machinery are bad enough for adults, worse for developing bodies;
- they are **too unfree**: there has been no choice about whether or not to work, or what kind of work to do. They cannot leave. They lose their self-esteem[23].

[22] CHILDWATCH INTERNATIONAL AND THE NORWEGIAN CENTRE FOR CHILD RESEARCH, *A report on the child labour section*, op. cit., p. 14.
[23] ENNEW J., *Street and working children, A guide to planning*, op. cit., p. 29.

1.4 Street children, children on the street, children of the street

Street children too pose a definition problem. Two dominant versions attempt to distinguish between 'real' street children and children who are working on the street but return home to their families at night.

The first is the definition drawn up by the Inter-NGO Programme for Street Children and Street Youth in the early 1980s: **Street children** are those for whom the street (in the widest sense of the word: i.e. unoccupied dwellings, wastelands, etc.,) more than their family has become their real home, a situation in which there is no protection, supervision or direction from responsible adults[24].

The Study Group on street children in the Council of Europe defined street children as children under 18 who, for shorter or longer periods, live in a street milieu. They are children who live wandering from place to place and who have their peers groups and contacts in the street. Officially these children may have as their address their parents' home or an institution of social welfare. Most significantly they have very few contacts with those adults, parents, school, child welfare institutions, social services, with a duty towards them[25].

There is a range of interpretations of the term 'street children'. In Belgium some local, non-governmental organisations distinguish three categories of street children:

- **street children for an important part of the day**: these can include street children of the day (e.g. from 7 a.m. till 7 p.m.), most of them children of migrants, who have dropped out from school; young children who do not yet fall under the legislation on compulsory education. There are also the street children of the evening and the night, who go to school during the day but who work in the street during the evening and in the night (e.g. prostitution).
- **runaways**: this is a temporary situation which can last for a few days but also for several months.
- **quasi-permanent** street children: they have dropped out of social institutions almost completely, although in most cases there is a sporadic contact with home or with an institution. This group is difficult to reach[26].

In most cases all these street children have accommodation and they do not have to stay on the street day and night. The only group

[24] Ennew J., *Street and working children, A guide to planning*, op. cit., p. 15.
[25] Council of Europe, *Street children*, Co-ordinated research programme in the social field (1992-93), Study group on street children, Steering Committee on Social Policy (CDPS), 1994, p. 23.
[26] Council of Europe, *Street children*, op. cit., p. 24.

which at times finds itself forced to stay on the street permanently are runaways, because they are often not aware of any alternative.

Somewhat later in the 1980s, UNICEF suggested a distinction between children on the streets and children of the streets, derived largely from the experience of Latin America.

Children on the streets are those whose family support base has become increasingly weakened, who must share in the responsibility for family survival by working on city streets and market-places. For these children the home ceases to be their centre for play, culture and daily life. Nevertheless, while the street becomes their daytime activity, most of these children continue to view life from the point of view of their families[27].

Children of the streets are a much smaller number of children who daily struggle for survival without family support, alone. While often called abandoned, they too might also have abandoned their families, tired of insecurity and rejection and aged up with violence. Their ties with home have been broken, *de facto* they are without families[28].

The latter are often considered as the 'real' street children, however they are exceptional in Europe[29].

Nevertheless it is quite difficult to neatly distinguish between the two categories because the conditions in which street children live are very different and often comprise temporary status which fall under the two categories at one time: how to categorise children who live in the street on weekdays only but go home at weekends, or those who only live out in warm summer weather? In addition to this there might be the situation of the entire family living on the street.

There are many negative myths about street children: they spend the nights anywhere in the streets, stay up late, get little sleep, are exposed to passers-by as abandoned, homeless, tramps, thieves or juvenile delinquents[30].

Most people who work with street children will agree that very few children have been abandoned. It is better to think of children gradually abandoning or breaking away from their families. The reasons could vary a lot: abusive and exploitative family relations, poverty, etc. In certain circumstances street children may be better nourished than some of their contemporaries, because they often have access to left-over food from restaurants[31].

It is also said that they are thieves and that they have no choice but to be prostitutes. While some children may steal and prostitute

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[27] ENNEW J., *Street and working children, A guide to planning*, op. cit., p. 15.
[28] *Ibidem*.
[29] COUNCIL OF EUROPE, *Street children*, op. cit., p. 24.
[30] GLAUSER B., "Street children: deconstructing a construct", in JAMES A. AND PROUT A. (eds), *Constructing and deconstructing childhood: contemporary issues in the sociological study of childhood*, London, New York, Philadelphia, The Falmer Press, 1990, pp. 140-141, cited in ENNEW J., *Street and working children, A guide to planning*, op. cit., p. 14.
[31] ENNEW J., *Street and working children, A guide to planning*, op. cit., pp. 19-20.

themselves from time to time, this is not by any means their only means of survival. They have other opportunities for making money: car washing and minding, newspaper selling, street vending, rag-picking and scavenging, shoe-shining, running errands and carrying bags, begging[32].

1.5 CHILDREN'S PARTICIPATION AND RIGHT TO WORK

Child labour should not be regarded exclusively as a harmful phenomenon. It is one of the most important ways in which the individual can make a positive contribution to society, thereby improving his/her self-image ('the need to be needed')[33].

Children are the persons most affected by child work problems, and yet are the ones who are least consulted about them. Much time and expertise have over the years been devoted to struggling with the 'dilemma' of working children, presuming child work to be a 'social evil' in which children are victims to be 'rescued', 'rehabilitated' and converted to a lifestyle considered more 'normal' for them.

However, not all children view the work they do as a social ill, and they resent the negative connotations others ascribe to their work in many, but certainly not all, cases is of value to them, their families, and even their society[34].

It is recommendable and necessary to also consider children's desires and rights to work for them to develop competence, which is relevant to the kinds of work demanded at present and in the future. Choice becomes an important distinction in determining whether a child is participating or being exploited.

It is not unreasonable to affirm that working children know their own immediate situation best. Policy, planning and action on child work issues should involve the participation of working children and that of their families. Non-hazardous and non-exploitative forms of work can be beneficial to children educationally and socially, through enabling them to develop problem-solving skills and by helping them to develop self-confidence and respect in their families and communities. Such work may constitute part of children's participation in their own cultural and social development and that of their communities. In some cases, earning income can also enable children to eat better, or to pay school-related expenses[35].

Children who work to support themselves and their families, or who live away from adult supervision, are found to be responsible. In

[32] ENNEW J., *Street and working children, A guide to planning*, op. cit., p. 20.
[33] VERHELLEN E., *Convention on the Rights of the Child*, op. cit., p. 107.
[34] INTERNATIONAL WORKING GROUP ON CHILD LABOUR, *Have we asked the children?*, Discussion Paper, February 1997, p. 13.
[35] INTERNATIONAL SAVE THE CHILDREN ALLIANCE, *Position on Child Work*, op cit., p. 3.

many societies they are expected to do things for themselves and others at far younger ages than would be generally expected[36].

In this context, there is a need to answer to the following question: Besides the right to protection, can children's rights to self-organisation and to participation in decision-making be given due weight in the debate? It is strange that when we talk about children, the right to work (an important human right) is never mentioned[37].

Child labour specialists tend now to depict child employment as a logical and legitimate response to family and personal circumstances. There is, now, a widespread willingness to accept the reality that children do work, and where this is the case, that they should be granted respect as child workers and enjoy the right to carry out their working obligations under conditions of human dignity[38].

Groups of child workers, in developing and industrialised countries alike, believe that they should have the right to work if they want to. Not only do many children and adolescents feel they should be allowed to work, but they often argue that they enjoy working because of the positive sense of self-esteem, the self-reliance and the skills they feel work and earning give them[39].

Many twentieth century educationalists are of the opinion that child work, as an element in children's full participation in society, can have important beneficial effects. But obviously none can afford the risk of harmful effects which, in itself, is sufficient reason for effective legislation on working conditions[40].

This reason could even stand behind a kind of children's protagonism: the right to mobilise and organise in order to improve or better their situation.

This right is considered as a fundamental one when talking about adults, but when it comes to working children this right is questioned. Working children, like all others facing exploitation or deprivation should have this right. It is their way of acting to change their lives and to find solutions. Working children see their organisation as a means of demanding and establishing their rights both as children and as workers. They also see the movements they form as having a broad social purpose on behalf of working children, as well as all children as a group[41].

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[36] ENNEW J., *Street and working children, A guide to planning*, op. cit., p. 33.
[37] VERHELLEN E., *Convention on the Rights of the Child*, op. cit., p. 108.
[38] CHILDWATCH INTERNATIONAL AND THE NORWEGIAN CENTRE FOR CHILD RESEARCH, *A report on the child labour section*, op. cit., p. 8.
[39] CHILDWATCH INTERNATIONAL AND THE NORWEGIAN CENTRE FOR CHILD RESEARCH, *A report on the child labour section*, op. cit., p. 10.
[40] VERHELLEN E., *Convention on the Rights of the Child*, op. cit., p. 108.
[41] INTERNATIONAL WORKING GROUP ON CHILD LABOUR, *Have we asked the children?*, op. cit., p. 16.

This position is very well summarised in the *Kundapur Declaration*[42], and particularly in recommendations three and ten which state: "We want respect and security for ourselves and the work we do" (recommendation three); and "We are against exploitation at work, but we are in favour of work with dignity and appropriate hours, so that we have time for education and leisure" (recommendation ten).

1.6 Children who work in Europe

One of the most misperceptions concerning child work is that it is a phenomenon almost exclusively confined to the developing world. While the majority of working children are to be found in less developed countries, there are forms of child work in the industrialised world and in Europe in particular.

A 1990 study by the US General Accounting Office, for example, revealed that between 1983 and 1990 there had been a 250 percent increase in the number of child labour law violations in the United States[43].

Child work is an established feature of European culture. Unpaid work in the family, and certain types of paid work are commonplace for young people and approved of by society. While all European countries have legislation designed to endure a basic education and protect a child from exploitative employment[44], in practice unacceptable exploitation of children is occurring in most - if not all - countries in Europe to some degree. Many of these categories of exploitation have remained fairly invisible, and it is important that the interest now shown in the issue globally also highlights the needs of European children[45].

There are very little data on child work in Europe and the lack of scientifically collected figures restrains the possibility to make significant and comparative studies. Nevertheless we report a table published on the ILO Bulletin of Labour Statistics 1993[46], which gives a general overview on the regional distribution (which includes Europe) and sex ratios of child workers under 15 years, in 1980, 1985, 1990 (see table T-1).

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[42] Representatives of organised working children met for the first time at global level during the International Meeting of Working Children held in Kundapur, India, in November-December 1996. Their meeting culminated in a two-day International Consultation with national and international observers, during which working children set out ten recommendations - the Kundapur Declaration. For the full text see appendix.

[43] International Labour Office, *World Labour Report 1992*, Geneva, p. 14.

[44] For details see below § 3.2.

[45] Council of Europe, Social, Health and Family Affairs Committee, *Report on Child Labour: giving priority to combating most unacceptable practices*, AS/Soc (1997) 12 restricted, Strasbourg, 14 May 1997, pp. 3-4.

[46] Ashagrie K., *Statistics on Child Labour: A Brief Report*, Bulletin of Labour Statistics 3, ILO, Geneva.

Table T-1: Regional distribution and sex ratios of economically active children under 15 years, 1980, 1985, 1990

Regions	1980				1985				1990			
	total ('000)	region as % of world*	sex rations		total ('000)	region as % of world*	sex ratios		total ('000)	region as % of world*	sex ratios	
			male	female			male	female			male	female
World	87867	100.0	56.9	43.1	80611	100	57.5	42.5	78516	100	58.6	41.4
Africa	14795	17.0	61.7	38.3	14536	18.0	59.2	40.8	16763	21.3	62.1	37.8
Americas	4122	4.7	69.4	30.5	4544	5.6	70.5	29.4	4723	6.0	69.6	30.3
Asia	68324	77.8	55.1	44.9	61210	75.9	56.1	43.9	56784	72.3	56.6	43.4
Europe	294	0.3	57.8	41.9	145	0.2	56.8	43.9	90	0.1	57.9	43.2
Oceania	177	0.2	57.1	44.6	176	0.2	55.1	43.8	157	0.2	56.1	43.9
Ex-USSR	0	0.0	0.0	0.0	0	0.0	0.0	0.0	0	0.0	0.0	0.0
LDRs	87573	99.7	56.9	43.1	80466	99.8	57.5	42.5	78427	99.9	58.6	41.4
MDRs	294	0.3	57.8	41.9	145	0.2	56.8	43.9	90	0.1	57.9	43.2

* Due to rounding, totals may not be equal to the sums of their constituent components

Source: ASHAGRIE K., *Statistics on Child Labour: A Brief Report*, op. cit., Table 2 and 3.

According to the ILO findings in 1980 in Europe (excluding countries belonging to the ex-USSR) there were 294.000 working children under the age of 15 years. This figure corresponded to 0.3% of the world child workers. The majority of them were male.

In ex-USSR child labour is reported to be non-existent but - as ILO recommends - this implies that the data should be interpreted very carefully, since especially in economies in transition, such as East European countries or the countries of the former Soviet Union, a significant amount of child labour is likely to exist[47]

The number of child labourers was almost halved in five years: in 1985 145.000 under 15 children were at work. The contribution of European countries to the global number of working children diminished at 0.2%. This declining trend was confirmed in 1990 too, when the number of child labourers was 90.000 and the geographic ratio went down to 0.1%.

The data should be interpreted with caution, since they are rudimentary and may be biased significantly. The entire phenomenon has not yet been covered since:

- statistical methods are imperfect and vary between countries,
- not all countries presented the relevant data, and
- not all economic activities are counted (household work as well as other informal activities are often omitted).

Therefore the aggregates are likely to underestimate the real magnitude of child labour[48].

Child work take places all over Europe and involves all type of tasks. In northern and Central Europe, children are often found working in the service sector. In southern Europe, it is principally the service sector and manufacturing. In agriculture children have always been an asset. While the work of children in southern and eastern

[47] HEMMER H.R., STEGER T., AND WILHELM R., *Child Labour in the Light of Recent Economic Development Trends*, op. cit., p. 4.
[48] *Ibidem.*

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countries is often part of a family tradition or the consequences of economic difficulties such that families cannot afford to leave their children in education, in northern Europe the most important reason why children work is to earn money for their own consumption, i.e., to buy clothes, records, mountain-bikes, computer games and to go places. For these children it is also a way of buying social acceptance[49].

Children work in all economic sectors in Europe, in both beneficial and exploitative situations and in different kinds of employment relationships. They may perform duties and work for their families and relatives, which may imply a few hours now and then or intensive, even dangerous work[50].

Children also work outside the family for employers in legal as well as illegal employment. Although almost all European countries have national legislation which sets the minimum age for the admission to work and regulates the work conditions in accordance to the child's age and development[51], the work can also involve long hours, without social security protection and fair remuneration in situations which may endanger their health and possibilities of education[52].

There are also children who work in self-employment, work which they may have created through their own initiative. Some of these jobs can be interesting opportunities to make some money, others are performed in unhealthy surroundings.

Even if the boundaries between these types of work situations are not always clear and it is sometimes difficult to distinguish to what group a child belongs, we will try to group them in three main categories - household work, employed children, self-employed children - and to give some examples of each of them. The main sources for this paragraph will be the study by the Council of Europe[53] and the outcome of our survey.

Household work

The help of children in the home is often considered part of their upbringing and a way to balance the time budget of the family. The distinction from what is work and what are duties or help varies among countries.

This kind of activity may include the occasional responsibility for younger siblings, doing the dishes, emptying the garbage bin, buying

[49] COUNCIL OF EUROPE, *Children and work in Europe*, Report prepared by a study group 1994-95 programme of co-ordinated research in the employment field, 1996, p. 11.
[50] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p 47.
[51] For details on EU countries legislation see below § 3.2.
[52] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 47.
[53] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit.

bread, fetching wood, making breakfast, sweeping the kitchen floor or other light domestic chores[54].

It is considered very difficult to determine the border between 'normal' duties and forms of exploitation. The latter could be the case, for example, when the oldest girl in a family is kept home from school to take care of younger siblings.

In the **Nordic countries** (Denmark, Finland, Iceland, Norway, Sweden) children may perform work for their family in their free time, but compulsory education mostly comes first and there are few drop-outs. Few families depend on the work of their children, except for some farms and family shops in Norway run by immigrants[55].

In **central and western Europe** (Austria, France, Germany, Ireland, the Netherlands, Switzerland, United Kingdom) children work mostly in agriculture, but also in family enterprises.

In France our survey found the presence of unpaid domestic work, the majority of it done by female children whose age ranges from eleven to 18 years.

In Ireland many children work on farms. This is not seen as employment or as 'work', but is a normal part of the family structure. Some children who work in agriculture go to school on a very irregular basis and fall behind in education. In some areas, girls from an early age may be kept at home to help in the household and take care of younger siblings[56].

In the United Kingdom the number of children carrying out unpaid domestic work is - according to our survey - estimated at between 15 and 40 thousand.

Conditions of children working in agriculture have also been noted as problematic. For poor families in the UK, the income from child work can make an important contribution to the household budget[57].

Our survey revealed the presence of young carers who have to provide care to their disabled or ill parents because of inadequate community care support. Young carers are most often found in one-parent families where the parent (probably the mother) has developed a disabling illness. It does seem to be the case that they are more likely to experience poverty than to be better off financially.

Countries in eastern Europe (Hungary, Poland, Romania, Czech Republic, Bulgaria) have a large number of children working in agriculture.

In Hungary researchers and social workers estimate that the work of children in some family businesses is probably an important

[54] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 47.
[55] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., pp. 48-49.
[56] *Ibidem*.
[57] COUNCIL OF EUROPE, SOCIAL, HEALTH AND FAMILY AFFAIRS COMMITTEE, *Report on Child Labour*, op. cit., p. 4.

resource for the family economy, especially in the Gypsy population, where the children drop out of school to work with their parents[58].

Almost the same situation can be found in Romania.

In **southern Europe** (Cyprus, Greece, Italy, Malta, Portugal, Spain, Turkey), family members often work together in family owned enterprises and in agriculture. Many families depend on the work of children[59].

In Greece a family is seen in a broad sense and family members help each other when possible and necessary. This makes it difficult to distinguish between domestic work and work for an employer. Our collection of data in Greece estimates the presence of children carrying out unpaid domestic work. The majority of them are female children and they can start even before being ten years old.

In Italy, many children work in agricultural and family enterprises. The amount of work children are asked to carry out depends on parents level of education. Home work involving children has expanded over the years and children work for the textile and shoe industry at home[60]. A presence is estimated of a high demand for child labour in small industrial workshops and in agriculture with no registration or regulation, where children work in unhealthy and unsafe conditions[61].

In Spain there are an estimated 200.000 children under 14 years working illegally in the informal sector, including family businesses and agriculture. Seasonal harvesting work in Spain and by Spaniards in France frequently takes children out of school for months at a time[62]. Another source put the number of working children in the agricultural sector at 100.000[63]. Officially, there is very little need for the children to contribute to the work in a family enterprise for its survival. Children work according to the economic activity of the family in agriculture, small shops, restaurants, bars, seasonal work, help at the market, home work for the textile industry and other small industries[64]

A similar pattern is reported in Portugal which has a high number of children working for the family. Too much work causes children to fall behind in school work and many of them drop-out of school. Children are also engaged in home work for the textile and shoe industry[65].

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[58] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 49.
[59] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 50.
[60] *Ibidem*.
[61] COUNCIL OF EUROPE, SOCIAL, HEALTH AND FAMILY AFFAIRS COMMITTEE, *Report on Child Labour*, op. cit., p. 4.
[62] *Ibidem*.
[63] FNV, *Eliminating child labour*, Amsterdam, 1995, p. 9
[64] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 50.
[65] *Ibidem*.

A statistical report[66] from Turkey shows that almost 2 million children and young persons are unsalaried family workers. Of these, more than 800.000 are under the age of 16. The number of working children under the age of 12 is said to be noticeable though there are no statistics. The minimum working age is 15, but as children can finish their compulsory schooling at the age of 12, they work, and the work they perform is mainly determined by the nature of the family activity, with a very high number in agriculture[67].

Employed children

Children are, in principal, allowed to occasionally perform brief, easy and light work which is not harmful to their health and development. This type of work is often accepted from the age of 13[68], but many children and young persons work extensively in spite of legislation.

The experience and consequences for children who occasionally perform light work for a few hours in their free time to earn extra pocket money are quite different from those who work in unprotected work, who are forced to work illegally for their living or whose family economy is dependant on their work.

Children and young people work in all sectors and often in small and medium-sized enterprises. Certain small enterprises, for example newspaper delivery and seasonal work in the service sector, agriculture, horticulture and fisheries, are fully or partially dependent on the work of children and young persons. It is usually accepted that the wages paid to minors are lower than for adults, even in cases where minimum national wages are in effect. Wages for girls may also be lower than for boys[69].

It goes without saying that in all the activities carried out by children there are positive as well as negative aspects. Children also participate in different kinds of cultural activities sometimes from an early age and a good deal of child work is classified as leisure activities. It may be exciting for a child to voluntarily participate in a theatre play or a fashion show. However a child used as a model for the benefit of his/her parents is exploited[70].

Northern Europe. In Denmark a lot of children are employed in the agricultural sector and in delivering newspapers, advertising material and bread. The agricultural sector is to a certain degree dependant on the seasonal work of young people as the farms are

[66] Turkey is one of the few European countries where ILO has conducted a country study on child labour through the International Programme for the Elimination of Child Labour (IPEC):

[67] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., pp. 50-51.

[68] For details on national legislation on the protection of children at work see below § 3.2.

[69] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 52.

[70] *Ibidem*.

often too small to afford permanent labour. The service sector employs occasionally about 50.000 children and young persons as cleaners, attendants and assistants. About 50.000 are engaged in paper rounds (they are usually older than 13 and deliver before going to school) and about 10.000 (mainly older boys) are employed in the industrial sector[71].

A similar situation is found in Norway where agriculture and fishing provide occasional work for many children. Children deliver newspapers in the morning and this activity depends on their work.

In Finland the most common jobs performed by children are in trade, restaurants, hotels and construction; children can also be found in public, social and personal services. During summer vacations the work is usually full-time and is carried out in parks, gardens and greenhouses, on play grounds, in kiosks, in newspaper delivery and advertising material. Children work to earn pocket money[72].

In Finland the problem of street children is not large and estimates suggest that there are about 100-200 children. However, professionals are becoming aware that there are children who are outside of all social services and who are living in rough conditions, sometimes on the street without adult contact[73].

In Iceland a child attains majority at the age of 16 but there are children as young as 9-10 years old who do odd jobs. Farming, fisheries and services are special areas where children work in their free time. During the summer, when almost all young people work, season farming and fishing industries depend on the work of children and young people, as are the municipal parks and sports establishments[74].

In Sweden children aged 13-16 are engaged in different kinds of light work during short periods to earn pocket money. The most common sectors are retail, restaurants, offices and workshops[75].

In **central and western Europe** children who are still in full-time compulsory education, can only perform easy light work which is not harmful to the child.

This is the case for Austria where, however, to a small extent illegal child work exists in the hotel and tourist sector[76].

There are cases where the number of working children from immigrant families is considerably higher than the national average, especially for families without a legal residential permit. One example are the children who were found working in illegal clothing

[71] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 53.
[72] *Ibidem*.
[73] COUNCIL OF EUROPE, *Street children*, op. cit., p.31.
[74] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 53.
[75] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 54.
[76] *Ibidem*.

workshops in Amsterdam, the Netherlands[77]. More commonly, children perform light work during school holidays, such as baby-sitting, newspaper delivery, work in agriculture, horticulture, shops and in the care sector[78]. In the Netherlands the phenomenon of street children is on the increase as recently the group of migrant children has grown. They are mainly found in Amsterdam and Rotterdam[79].

In France child workers are not a significant phenomenon and our estimations as well which do not register a relevant presence of employed children in this country. Nevertheless child prostitution seems to be a phenomenon of concern.

In France the presence of street children began to constitute a significant problem starting from the 1980s. Some authorities consider that street children represent some 10.000 children; others estimate that the number is much lower[80].

In Germany a survey on the employment of children and young people aged 14-17 revealed that 40% worked occasionally, for pocket money. The main sectors are services, delivery, hotel, catering, wholesale and retail, fairs, exhibitions and markets[81]. The recent migration from former East Germany and from other former countries of the Council for Mutual Economic Co-operation (COMECON) might affect the number of street children[82]. For example, the police in Stuttgart confirmed a number of 600 street children, but declared that it is quite difficult to define the existing group of street children and research into the clear and exact numbers has not yet been executed[83].

In Ireland our survey estimates that children aged 11-18 are mainly found working in the agricultural sector (the majority of them are male children), and in home deliveries. There are cases of short-term/seasonal work among older children (15-18). A 1996 Labour Force survey indicates that there are 61.700 persons between 15-19 years in the labour force. In Ireland a certain number of children aged 6-14 years can be found on the streets begging.

The Council of Europe's best 'guestimate' indicates that there are somewhere between 500 and 1.000 street children. The majority come from the larger urban areas. Research indicated that most are aged between 15 and 18 years[84].

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[77] FNV, *Eliminating child labour*, Amsterdam, op. cit., p. 9.
[78] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 54.
[79] FOUNDATION EUROPEAN NETWORK ON STREET CHILDREN WORLDWIDE, *European Conference on Street Children Worldwide, 20-23 June 1996*, Royal Tropical Institute, Amsterdam, the Netherlands, 1996, pp. 81-82.
[80] COUNCIL OF EUROPE, *Street children*, op. cit., p. 31.
[81] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 54.
[82] COUNCIL OF EUROPE, *Street children*, op. cit., p. 31.
[83] FOUNDATION EUROPEAN NETWORK ON STREET CHILDREN WORLDWIDE, *European Conference on Street Children Worldwide*, op. cit., p. 81.
[84] COUNCIL OF EUROPE, *Street children*, op. cit., p. 30.

In the UK a number of surveys have estimated that around 50% of children aged 13-15 are engaged in some kind of part-time employment, most of them working illegally without formal registration, and thus without an assessment of whether their employment is exploitative. A 1985 survey showed that children were employed in a wide range of jobs in service provision sectors and many children had more than one job[85].

The UK Agenda for children referred to a study carried out in 1991 which showed that 40% of children under the age of 16 had some form of employment. Of these children, 74% were employed illegally, 25% were under the age of 13, and 35% had suffered an accident of whom over a quarter required medical attention. Further research in Scotland showed that almost half of the children surveyed were working illegal hours[86].

Child prostitution is a major problem. Our survey estimates that in 1995 there were 369 children aged 11-14 engaged in prostitution. The number of these children, mainly girls, resulted from the figure of girls in that age group cautioned by police or convicted in court. According to our survey, these young women are coerced into 'prostitution' by boyfriends who act as pimps and in some cases the young women are kept imprisoned by these men.

In the UK, research indicated that there are many thousands of street children. They live primarily, though not exclusively, in the major cities and towns. The population of street children is split evenly between male and female. It is estimated that approximately 40.000 children run away every year[87].

No reliable figures are available as yet for **Eastern Europe**. Before the fall of communism child labour was forbidden in those countries and there was zero child work. Since the collapse of the centrally planned economies, unemployment has risen and industrial relations have been deregulated. There is a growing movement towards the informal economy[88]. Besides this, exposure to the world media has increased children's awareness of their relative poverty, creating desire for extra money to purchase newly available commodities[89]. Given this factor, child work can be expected to rise.

In Bulgaria 15% of the age 15-19 work. More than half of them work in the public sector, and more girls than boys work. No industries are dependent on child work today but there is a general fear that such a dependency may evolve due to rising unemployment. In 1993, 11% of the child population had dropped out

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[85] COUNCIL OF EUROPE, SOCIAL, HEALTH AND FAMILY AFFAIRS COMMITTEE, *Report on Child Labour*, op. cit., p. 4.
[86] WYLD N, *European Children's Rights: an overview of Law, Policy and Practice*, EFCW, 1997, p. 103.
[87] COUNCIL OF EUROPE, *Street children*, op. cit., p. 30.
[88] FNV, *Eliminating child labour*, Amsterdam, op. cit., p. 9.
[89] COUNCIL OF EUROPE, SOCIAL, HEALTH AND FAMILY AFFAIRS COMMITTEE, *Report on Child Labour*, op. cit., p. 5.

of compulsory school education and it is probable that some of these children are working[90].

In Bulgaria the plight of predominantly Roma children working in the streets of the major cities has been documented by human rights organisations and the UN Committee on the Rights of the Child[91]. Bulgarian street children work in begging, odd jobs, waste material collection, prostitution and theft. In Bulgaria attention has been drawn to the abuse and torture of these children by the law enforcement authorities and by skinhead street gangs. The example illustrates that working street children and child labourers in general are highly vulnerable to abuse and criminalisation precisely because they work in an unregulated or illegal sector[92].

In Hungary a study in 1993 on 5.000 children aged 14-18 revealed that less than 1% under the age of 14 worked, 2% between 14 and 15 years and 3% of children aged 16 years. The labour inspectorate sometimes finds children and young persons working illegally in the food industry. Young children are also said to work illegally in the service sector, construction and agriculture when they should be at school. This is a growing problem in a time of high unemployment[93].

A recent survey on child work in Romania[94] covered children aged 7-15 in schools, residential institutions and street children. For the first two categories about 6% of the children were working more than 6 hours/day. Main types of work were agriculture, begging, delivery work and loading/unloading goods. Street children were also employed in these professions in addition to prostitution[95].

According to the results of the project ASIS, Bucharest, the phenomenon of street children started after the resolution of 1989 and their numbers have been increasing ever since due to the changing social and political context of social reform during the transition period. In 1993 a survey was carried out that showed that the number of street children had increased to 1.000, the majority being gypsies[96].

According to the 1992 population and housing census in Romania, about 9.000 children under 15 worked. The figures for

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[90] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 55.

[91] COMMITTEE ON THE RIGHTS OF THE CHILD, *Consideration of Reports Submitted by States Parties under article 44 of the Convention. Concluding Observations: Bulgaria*, CRC/C/Add.66, 1997.

[92] COUNCIL OF EUROPE, SOCIAL, HEALTH AND FAMILY AFFAIRS COMMITTEE, *Report on Child Labour*, op. cit., p. 5.

[93] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 55.

[94] SAVE THE CHILDREN ROMANIA, *Inquiry into Child Labour and Child Work in Romania*, SCF, Bucharest, 1997, (English summary only), cited in COUNCIL OF EUROPE, SOCIAL, HEALTH AND FAMILY AFFAIRS COMMITTEE, *Report on Child Labour*, op. cit.

[95] COUNCIL OF EUROPE, SOCIAL, HEALTH AND FAMILY AFFAIRS COMMITTEE, *Report on Child Labour*, op. cit., p. 5.

[96] FOUNDATION EUROPEAN NETWORK ON STREET CHILDREN WORLDWIDE, *European Conference on Street Children Worldwide*, op. cit., p. 80.

children aged 15 and children aged 16-19 were respectively 27.000 and 388.000 (approx.). Minors under the age of 15 cannot be hired as salaried labour, but there are employers who take on children illegally in order to get cheap labour. The children can then be at risk of abuse in different ways. 6% of the child population had dropped out of compulsory school education in 1993[97].

Authorities in Poland stated that children under the age of 15 do not work, though exceptions may be made. Other sources claimed that about 50.000 children under school leaving age are working especially in the agricultural sector which is exempted from the regulatory control of labour legislation. Most work done by children is, however, light work performed on family farms which, it is reported, does not hinder school attendance. Furthermore, it is a traditional way of helping parents and is not seen as being necessary to supplement the family income[98].

Southern European countries are considered to be the countries where the majority of child work is found.

In Cyprus, young persons are found in all types of enterprises irrespective of size. Most common is employment in the construction sector, in restaurants, hotels, and in agriculture. Work as collectors and packers of agricultural products is to a large extent performed by young persons. During the summer vacation a great number of children and young people work in restaurants and hotels as waiters or in shops as sales persons. They also work in agriculture and on construction sites[99].

Italy is considered to have one of the highest populations of working children in Western Europe, estimated at 1,5 million children[100]. Children can work in the agricultural sector and in different types of light work specified in an extensive list. Children work in industries for craft, clothing, hosiery, footwear, engineering and construction as well as in the hotel and tourist sector, in public bars, pizzerias, to name but a few[101]. Southern Italy has a higher prevalence of child labour, associated with the region's poverty and under development. Enforcement of school attendance is weak, as is the labour inspection system and the implementation of labour law. There is a demand for child labour in small industrial workshops and in agriculture with no registration or regulation, where children work in unhealthy and unsafe conditions. A sample survey of the 100.000 child workers in Naples showed that most work more than 6 hours per day for less than one third of the equivalent adult wage, without

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[97] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 55.
[98] *Ibidem*.
[99] *Ibidem*.
[100] VALCARENGHI M., *Child Labour in Italy*, Antislavery Society, London, 1989.
[101] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 56.

the benefits to which adults are entitled. The leather industry is considered particularly hazardous[102].

Movimento per l'Autosviluppo, l'interscambio e la Solidarieta' - (MAIS), in a study for the International Working Group on Child Labour, affirms that, in spite of the lack of available data on working children in Italy, there are examples of children who are working either full-time or occasionally, seasonally or part-time. In some part of the South 20 to 50 per cent of children between the ages of 10 and 14 work at times. According to every contacted expert, the official data on working children gathered by the Regional Work Inspectorates for the years 1992-93 were gross underestimates. The reported cases amounted to only 628 minors below legal hiring age found working in businesses. The same survey also showed that businesses prefer to employ minors above the age of 14 without a regular contract, even though the law gives employers tax incentives to legally hire youths of that age. The manufacturing and commercial sectors were those cited most often for violations of working hours, shifts intervals and health checks[103].

In Italy street children are a spreading phenomenon. The situation of street children is extremely divers and one should avoid generalising in terms of their origins, their numbers and their location. Whereas most groups of street children are engaged in temporary jobs (clothing industry) and vocational training, it is the group of illegal immigrants who survive by begging, selling flowers in restaurants and washing car windows at traffic lights. Street girls are less visible since they stay indoors, they are often early drop-outs and have fewer chances to engage in temporary job opportunities[104].

Officially there may be about 4.000 children between 12 and 15 working illegally in Portugal. According to the labour inspectorate they are to be found mainly in the clothing, textile, and building industry and in hotels. Even though most of this work is light, it is often repetitive and not adapted for a future profession. The country has still many children who do not go through compulsory school and thousands of children are working in areas not covered by legislation and thus outside the supervision of the authorities[105].

The Working Group of NGOs who helped the Government with the national report to the Committee on the Rights of the Child, states that while it is not possible to compile accurate statistics, child labour is widespread as a result both of the under development of the

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[102] COUNCIL OF EUROPE, SOCIAL, HEALTH AND FAMILY AFFAIRS COMMITTEE, *Report on Child Labour*, op. cit., p. 4.

[103] MOVIMENTO PER L'AUTOSVILUPPO, L'INTERSCAMBIO E LA SOLIDARIETA' - MAIS, *Il lavoro minorile in Italia secondo lo studio MAIS - IWGCL*, presentation given at the Annual joint Council of Europe - UNICEF International Child Development Centre meeting, Florence, 30 May 1997.

[104] FOUNDATION EUROPEAN NETWORK ON STREET CHILDREN WORLDWIDE, *European Conference on Street Children Worldwide*, op. cit., p. 80.

[105] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 56.

economy and the attitude of parents. Business people in small firms in the rural areas and from large sub-contracting firms exploit child labour to gain advantage over their foreign competitors. Parents condone their child's employment, not just for family income, but also as a means of guaranteeing a job in the future and occupying time not taken up by school thus avoiding the dangers of drugs and delinquency. The Working Group states that a working group comprising government and NGOs has recently been established to explore this difficult issue[106].

In a study from northern Portugal, 90 children aged 6-14 were found working in shoe, clothing, textile, ceramics, cork- and metal-working factories and workshops, on building sites, in cafes, restaurants and hotels, in butcher shops, grocer shops and bakeries, fishing ports, and selling goods in the street. Some children worked late at night. Some attended school, some did not. Some of those who attended school went on to work a full nine hours after class. Some enjoyed their work, others worked against their will and said they would rather be in school[107].

Portugal is perhaps the only country within the EU and outside that at national level recognises street children and the different categories. Street children is a phenomenon of relevant importance in Portugal[108].

According to the Council of Europe no statistics can be found in Greece on the number of children who work for others. ILO estimates their number in the amount of thousands[109].

Our survey's findings are based on data from the National Statistic Service of Greece. Officially in 1996 there were 72.347 children aged 14-19 who were working. The most common sectors where children were employed were agriculture, wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods, manufacturing, construction sector, hotels and restaurants. In recent years the migratory flows from the new European democracies, the increase of the illegal migrants of/and refugees, the poverty and the unemployment, as well as the weakening of family bounds and lack of social cohesion, are some of the key factors which lead to the dramatic increase of children and young people on the street. Some of them fall into prostitution and are sexually exploited.

In Spain there are perhaps 1,5 million illegal child workers. Small sub-contracting businesses, and in particular in the shoe industry, are known to use child labour. Other areas of child work include street

[106] WYLD N, *European Children's Rights: an overview of Law, Policy and Practice*, op. cit., p. 104.
[107] WILLIAMS S., *Child Workers in Portugal*, Anti-slavery International, Child Labour series, No 12, 1992, cited in COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 56.
[108] FOUNDATION EUROPEAN NETWORK ON STREET CHILDREN WORLDWIDE, *European Conference on Street Children Worldwide*, op. cit., p. 79.
[109] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 56.

selling, shoe-cleaning, begging and various forms of refuse and waste collection[110]. There are children working in tourism and commerce, working as night guards in parking lots, as porters, cleaning cinemas. Illegal work by children is a growing problem especially in the area of home work for the textile industry[111].

In Turkey, children work in agriculture and are the cheapest labour for small and medium-sized enterprises. Many small enterprises are totally dependent on child labour. In 1993 more than 200.000 in the age group 12-15 were known to be salaried workers and more than 100.000 are known to be seasonal salaried workers. Many children from rural areas migrate in order to find work, for example harvesting, packing different agricultural products or working as shepherds. Children also engage in carpet weaving and forestry work. From the age of 10, children may work in brick factories - work which is hazardous and difficult, and which teaches no extra skills. Other tasks performed by children are street peddling and work in bakeries and local industries. Porters at wholesale markets are only needed when goods come in and children may have to stand by for as long as 24 hours before being called upon to work[112].

In Turkey there is a considerable number of many thousands of street children, although their precise numbers vary from city to city and often depend on the season of the year. Police sources in Istanbul reported that there were between six and seven thousand children on the streets. There is an almost permanent problem in the Western, Southern and South Eastern cities, with large numbers of migrants. Only a minority, though a significant one, have little or no contact with their families. The most striking characteristic of street children in Turkey is that virtually all of them are male. In part, this reflects the social attitudes in Turkish society. It was also suggested that of the females who did end up on the streets, many became involved in prostitution[113].

Self-employed and young persons: 'the entrepreneurs'

Self-employment - eg work carried out by children and young persons on their own initiative - is barely acknowledged and generally not covered by provisions regarding age or supervision. Very little information seems to exist.

In some Scandinavian countries and in Germany, a small number of young persons are said to be engaged as entrepreneurs in the service sector, in catering, cleaning and selling different products.

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[110] COUNCIL OF EUROPE, SOCIAL, HEALTH AND FAMILY AFFAIRS COMMITTEE, *Report on Child Labour*, op. cit., p. 4.
[111] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 57.
[112] *Ibidem*.
[113] COUNCIL OF EUROPE, *Street children*, op. cit., p. 31.

For Bulgaria and Turkey, fairly high figures are given for young persons working as entrepreneurs in different types of commerce.

Though sources are scarce it seems to be the case that certain countries have many children self-employed as porters, cleaners of car windows at street corners, car minders, ambulant traders or vendors of different products in markets or on the street. Often they work in unhealthy and dangerous surroundings and belong to marginalised groups[114].

[114] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 58.

Chapter 2
The state of international law concerning child work

SUMMARY: **2.1** Introduction - **2.2** ILO Conventions and Recommendations - **2.3** The Convention on the Rights of the Child, 1989 - **2.4** European Union legislation - **2.5** Council of Europe legislation - **2.6** Other international treaties

2.1 INTRODUCTION

After having seen the European context of child work as well as its different faces, it is worth knowing about the state of international law - Conventions, Recommendations, Charters, Directives, Resolutions, ...- concerning child work and the protection of the work of children.

We will consider the ILO legislation first, as it is the most important international organisation directly related to labour and, therefore, to child labour and work. All ILO Conventions are considered world-wide as a first ground to set up any further legislation.

Then we will look at the Convention on the Right of the Child 1989, the most widely ratified convention which refers in some articles to child work and child work related issues. The Convention is for many reasons a milestone in the growing social and legal respect for the child.

Afterwards we will go down to the European level, taking into account two different pieces of legislation: the one that sprang out from the EU Institutions, and the one belonging to the Council of Europe.

Finally we will go back to the international level by considering UN Conventions and international treaties which are indirectly related to child labour as their main topics are the abolition of slavery, the protection of economic and social rights, children's rights.

2.2 ILO Conventions and Recommendations

One of the most important tools available to the ILO for improving legislation and practice of its Member States in protecting children against economical exploitation, in regulating working conditions, is the adoption and supervision of international labour Conventions and Recommendations. Several international labour standards have been adopted to prohibit child labour in different sectors and under different conditions. ILO Conventions of more general applicability, such as safety and health Conventions, also include provisions specific to the work of children. Additionally, serious problems of the exploitation of children through debt bondage and other "contemporary forms of slavery", such as child prostitution, are examined by ILO supervisory bodies[1] in the framework of the ILO's Forced Labour Convention, 1930 (No. 29).
A list of all ILO Conventions and Recommendations concerning child labour follows:

- *Convention no. 5 on Minimum Age* (Industry), 1919.
- *Convention no. 6 on Night Work for Children*, 1919.
- *Convention no. 7 on Minimum Age* (Sea), 1920.
- *Convention no. 10 on Minimum Age* (Agriculture), 1921.
- *Recommendation no. 14 on Night Work of Children and Young People in Agriculture*, 1921.
- *Convention no. 15 on Minimum Age* (Trimmers and Stokers), 1921.
- *Convention no. 29 on Forced Labour, 1930.*
  It protects children from forced or compulsory labour and is applicable to some of the most intolerable forms of child labour, such as children in bondage and their exploitation into prostitution and pornography.
- *Convention no. 33 on Minimum Age* (Non-Industrial Employment), 1932.
- *Recommendation no. 41 on Minimum Age* (Non-Industrial Employment), 1932.
- *Revised Convention no. 58 on Minimum Age* (Sea), 1936.
- *Revised Convention no. 59 on Minimum Age* (Industry), 1937.
- *Revised Convention no. 60 on Minimum Age* (Non-Industrial Employment), 1937.
- *Recommendation no. 52 on Minimum Age* (Family Undertakings), 1937.

[1] The supervisory bodies are the Committee of Experts on the Application of Conventions and Recommendations and the tripartite Committee on the Application of Standards of the International Labour Conference. ILO, *Child Labour: Targeting the intolerable*, Geneva, International Labour Office, 1996.

- *Convention no. 77 on Medical Examination of the Adolescents* (Industry), 1946.
- *Recommendation no. 79 on Examination for Children and Adolescents*, 1946.
- *Recommendation no. 80 on Night Work for Adolescents* (Non-Industrial Employment), 1946.
- *Convention no. 78 on Medical Examination of the Adolescents* (Non-Industrial Employment), 1946.
- *Convention no. 79 on Night Work for Adolescents* (Industry), 1946.
- *Convention no. 81 on Labour Inspection*, 1947.
- *Revised Convention no. 90 on Night Work for Children* (Industry), 1948.
- *Recommendation no. 96 on Minimum Age in Coal Mines*, 1953.
- *Convention no. 105 on Abolition of Forced Labour*, 1957.
- *Convention no. 112 on Minimum Age* (Fishermen), 1959.
- *Convention no. 123 on Minimum Age* (Underground Work), 1965.
- *Recommendation no. 124 on Minimum Age* (Underground Work), 1965.
- *Convention no. 124 on Medical Examination of Adolescents* (Underground Work), 1965.
- *Recommendation no. 125 on Employment Conditions for Adolescents in Underground Work*, 1965.
- *Recommendation no. 136 on the Special Programmes for Young People*, 1970.
- *Convention no. 138 on Minimum Age for Admission to Employment*, 26 June 1973.
- *Recommendation no. 146 on Minimum Age for Admission to Employment*, 1973.
- *Recommendation no. 153 on Protection of Young Sailors*, 1976.

The ILO adopted its first Convention on child labour in 1919, the year of its foundation. Subsequently, besides the industry, nine sectoral Conventions on the minimum age of admission to employment were adopted, applying to different working sectors.

The ILO's *Labour Inspection Convention, 1947 (No. 81)*, specifies that among the primary duties of inspectors are the enforcement of the legal provisions relating to the employment of children and young persons. In general, labour laws contain specific clauses which give inspectors a wide range of responsibilities and which often give them a measure of discretion to decide if the

conditions for employing children have been met and to authorise their work or subject it to further conditions[2].

The most recent and comprehensive ILO instruments on Child Labour are the *Minimum Age Convention, 1973 (No. 138)*, and *Recommendation (No. 146)*.

The Convention obliges ratifying States to fix a minimum age for admission to employment or work and undertake to pursue a national policy designed to ensure the effective abolition of child labour and to progressively raise the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

Recommendation No. 146, which supplements Convention No. 138, provides the broad framework and essential policy measures for both the prevention of child labour and its elimination.

The first principle is that the minimum age should not be less than the age for completing compulsory schooling and in no event less than age 15. The Convention admits some exceptions for countries whose economy and educational facilities are insufficiently developed: the age can be set initially at 14. This is a clear invitation to ratification for developing countries.

Because the Convention is intended in the long run to replace all existing treaties dealing with child labour, various exceptions to the principle minimum age are permitted. For example, in the case of *light work* that will not harm the child's health or interfere with his/her education, the age can even be lowered to 12 years[3].

Convention No. 138 also sets a higher minimum age for *hazardous work*, "which by its nature of the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons". The Recommendation gives guidance on the criteria which should be applied to the determination of hazardous employment or work.

The standards set forth by Convention No. 138 are summed up in table T - 2.1.

The Convention requires the competent authority to take all necessary measures, including the provision of appropriate penalties, to ensure the effective enforcement of the provisions of the Convention. Penalties, here, mean those to be defined in national legislation for violation of national law giving effect to the Convention.

The Convention was not intended as a static instrument prescribing a fixed minimum standard but as a dynamic one aimed at encouraging the progressive implementation of standards and promoting sustained action to attain the objectives[4]. It furnishes a

[2] ILO, *Child labour: Targeting the intolerable*, op. cit., p. 86.
[3] FNV, *Eliminating child labour*, op. cit., p. 4.
[4] ILO, *Child labour: Targeting the intolerable*, op. cit., p. 24. For the state of ratification of Convention No. 138 see below § 3.1.

logical guide for countries revising their child labour legislation to bring it in line with the commitments they have recently assumed under the Convention on the Rights of the Child[5].

Table T - 2.1: Minimum ages in accordance with ILO Convention No. 138

General minimum age (Article 2)	Light work (Article 7)	Hazardous work (Article 3)
In normal circumstances: **15 years or more** (not less than compulsory school age)	**13 years**	**18 years** (16 years conditionally)
Where economy and educational facilities are insufficiently developed: **14 years**	**12 years**	**18 years** (16 years conditionally)

Source: LANSKY M., "Perspectives. Child labour: How the challenge is being met", in *International Labour Review*, Vol. 136 (1997), No 2 (Summer), p. 239.

In 1994, the Committee of Experts expressed its grave concern about forced child labour, and particularly the exploitation of children for prostitution and pornography. ILO is working for a **new Convention** which would be focused on the worst forms and more hazardous types of child labour, including slavery, servitude, forced labour, bonded labour and serfdom, and on the measures to be taken to eradicate them[6].

The proposal, put forward by the three ILO constituent groups - governments, employers and workers organisations - seeks the commitment of Member States to ban, punish and prevent the use of children in extreme forms of child labour and to remove them without delay from such work. If adopted, a new legally binding Convention would be the single international instrument focused only on extreme forms of child labour and would be supplemented by a Recommendation giving further guidance for legislative and practical action. They would set the suppression of extreme forms of child labour as the priority for national and international action for the abolition of child labour.

The Governing Body of the International Labour Office has placed the subject on the agenda for the 1998 International Labour Conference.

[5] BOYDEN J., MYERS W., *Exploring Alternative Approaches to Combating Child Labour: Case Studies from Developing Countries*. Innocenti Occasional Papers, Child Rights Series, No. 8, UNICEF, 1995. The UN Convention on the Rights of the Child is mentioned below § 2.4.

[6] ILO, *Child labour: Targeting the intolerable*, op. cit., p. 28.

The proposed standards are being developed in accordance with the "double discussion" procedure at the International Labour Conference. This means that there will be two discussions at the Conference, the first in June 1998 and the second in June 1999. For the first discussion, the ILO has prepared two reports for consideration by the Conference. A preliminary background report[7] has already been published, which examines the law and practice on the subject in various countries. It was accompanied by a questionnaire to which governments were asked to reply, in consultation with the most representative employers and workers organisations. The questionnaire sought opinions about the possible content of new instruments and the form they should take - a legally binding Convention, a Recommendation, or both[8].

A second report - *Report VI (2) Child Labour (International Labour Conference, 86th Session 1998)* - was published by ILO in February 1998. This report includes a concise summary of the replies received which, along with brief commentaries, will identify the major issues for consideration by the Conference. These proposed Conclusions contain specific provisions for a possible new Convention and Recommendation aimed at eliminating extreme forms of child labour and are intended to serve as the basis of discussion at the 1998 Conference[9].

The 1998 Conference will decide whether to adopt a draft Convention and Recommendation based on the first discussion. If it does, the draft instruments will be submitted to the Member States for comments. These comments, along with a draft Convention and Recommendation, will be presented in a report for the second discussion during the 1999 Conference. The Conference will then decide on the final adoption of a new Convention and Recommendation on extreme forms of child labour.

In the proposed conclusions prepared on the basis of the replies to the questionnaires there is a clear reference to the UN Convention on the Rights of the Child: it is recommended that the CRC should be recalled in the preamble of the new Convention.

As far as the content of the proposed Convention is concerned, this should start with a definition of what a child is, and namely, for the purposes of the Convention, the term "child" should apply to all persons under the age of 18.

It is proposed that a Member which ratifies the new instrument should take measures to secure the immediate suppression of all extreme forms of child labour. These extreme forms should comprise:

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[7] ILO, *Child labour: Targeting the intolerable*, op. cit.

[8] INTERNATIONAL LABOUR OFFICE, *Proposed new international labour standards on extreme forms of child labour. Text of Proposed Conclusions to be submitted to the 1998 International Labour Conference, 86th Session*, URL: http://www.ilo.org, p.1.

[9] *Ibidem.*

a. all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, forced or compulsory labour, debt bondage and serfdom;
b. the use, engagement or offering of a child in illegal activities, for prostitution, production of pornography or pornographic performances;
c. any other type of work or activity which, by its nature or circumstances in which it is carried out, is likely to jeopardise the health, safety or morals of children, so that they should not be used or engaged in such work or activity under any circumstances[10].

The proposed conclusions then go into more details and identify forms of child labour to which particular consideration should be given:

i. work which exposes children to physical, emotional or sexual abuse;
ii. work underground, underwater, or at dangerous heights;
iii. work with dangerous machinery, equipment and tools, or which involves the manual transport of heavy loads;
iv. work in an unhealthy environment which may, for example, involve exposure to hazardous substances, agents or processes, or to extreme temperatures, noise levels, or vibrations;
v. work under particularly difficult conditions such as for long hours, during the night, or without the possibility of returning home each day[11].

Besides ratifying Members to identify extreme forms of child labour and take measures to secure their immediate suppression, the new Convention and Recommendation should have to provide for:

- enforcement measures including criminal penalties;
- measures to prevent extreme forms of child labour and remove and rehabilitate children engaged in them;
- mutual assistance and co-operation among Member States to eliminate extreme forms of child labour;
- national programmes of action giving special attention to children under the age of 12 and taking into account the special situation of girls;
- effective national monitoring machinery; and
- compilation of data.

Some organisations - children's rights NGOs and Trade Unions - have been commenting the draft of the new Convention. Educational International, for example, is of the opinion that the extreme forms of

[10] INTERNATIONAL LABOUR OFFICE, *Proposed new international labour standards on extreme forms of child labour*. op. cit., p. 2.
[11] INTERNATIONAL LABOUR OFFICE, *Proposed new international labour standards on extreme forms of child labour*. op. cit., p. 2.

child labour should include any kind of work which is likely to damage a child's possibility to education and in that way hamper its development. Moreover, considering that some of the worst examples of intolerable forms of child labour are to be found in the agricultural and domestic sector, Governments might easily take action concerning the most extreme cases of child labour but not care about other forms of child labour[12].

According to a survey on NGOs views on the new ILO Convention on Child Labour[13], there are several factors which make child labour become intolerable: a child's lack of choice regarding entering or leaving the work; where children do not perceive payment for the work they have done; where children are denied their basic rights; where children are vulnerable to physical danger or abuse; where a child's psychological health is at risk; where the child is separated from his or her own family; where a child's future options are curtailed[14].

According to the results of the abovementioned survey, the need for international instruments on child labour has to be followed up at national and local levels in order to be effective. Some of the respondents recommended the inclusion in the new Convention of a monitoring mechanism like the one which the CRC provides for. Respondents expressed caution with regards to an international 'ban' on child labour. Some of these argued against any sort of ban whilst others placed qualifications on any ban, for it to be acceptable and effective. Finally, if on the one hand child labour has a strong cultural nature which makes difficult setting up of international standards, on the other hand respondents called for details to be included in the new Convention[15].

ILO is of the opinion that the proposed new Convention would both consolidate the legal position on slavery-like practices and child prostitution and serve to advance the practical commitment to ensuring that children enjoy protection at least against many forms of hazardous work as part of the transition towards the elimination of child labour as called for in Convention No. 138[16].

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[12] *Minutes of the European Parliament Workers Rights Group*, Meeting of 29 January 1998, by kindly permission of Solidar.

[13] NGO GROUP FOR THE CONVENTION ON THE RIGHTS OF THE CHILD, SUB-GROUP ON CHILD LABOUR, *Survey of NGO Views: New ILO Convention on Child Labour*, Results analysis, Anti-Slavery International, April 1998.

[14] NGO GROUP FOR THE CONVENTION ON THE RIGHTS OF THE CHILD, SUB-GROUP ON CHILD LABOUR, *Survey of NGO Views: New ILO Convention on Child Labour*, op. cit., p. 14.

[15] NGO GROUP FOR THE CONVENTION ON THE RIGHTS OF THE CHILD, SUB-GROUP ON CHILD LABOUR, *Survey of NGO Views: New ILO Convention on Child Labour*, op. cit., pp. 24-25.

[16] LANSKY M., "Perspectives. Child labour: How the challenge is being met", in *International Labour Review*, op. cit., p. 248.

2.3 THE CONVENTION ON THE RIGHTS OF THE CHILD, 1989

The Convention on the Rights of the Child (CRC), adopted by the General Assembly of the United Nations on 20 November 1989 and which came into force on 2 September 1990, may well become a major stimulus to the adoption of child labour legislation.

One of the CRC's main features is its pro-active nature, making the improvement of children's position an ongoing challenge, rather than merely a matter of setting standards. The Convention's comprehensive nature is equally important. It covers all children and their living conditions. Specific aspects of children's lives are therefore dealt with not only on their merits, but also as viewed in the global context of the child's position in society[17].

Although children are recognised as having rights of their own, they are not regarded simply as adults in the making (and therefore not-yet beings), but as individuals who are undergoing a process of growth towards adulthood, human beings who are well aware of their opinions, and competent enough to understand their desires and needs.

The Convention comprises a number of articles related to child labour.

Article 32 - the most relevant to child labour - states that "States Parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development". States are directed to implement these protections through appropriate legislative, administrative, social and educational measures. In particular, they are to:

a) provide for a minimum age or minimum ages for admissions to employment;
b) provide for appropriate regulation of the hours and conditions of employment; and
c) provide for appropriate penalties or other sanctions to ensure the effective enforcement of this article.

This article reconfirms the main policy principles regarded by the international community as the main levers for eradicating child labour. However, unlike the ILO Convention No. 138 or the European Social Charter (1961)[18], it does not contain clear age criteria, and is therefore regarded as less binding in character. On the other hand, the Convention does refer to these international instruments dealing with child labour and may prove to be playing a useful role in publicising them. The fact that it was adopted

[17] VERHELLEN E., *Convention on the Rights of the Child*, op. cit., p. 109.
[18] See below § 2.5.

unanimously and has been ratified by almost every country of the world, further enhances its influence[19].

Moreover the UN Committee on the Rights of the Child, charged with monitoring implementation of the Convention, refers to ILO Convention 138 where the minimum age for admission to employment is cited as an appropriate international instrument and guideline for combating child labour[20].

Paragraph 1 of article 32 requires protection of the child from performing any work that is likely to interfere with the child's education. In its general recommendations on economic exploitation, the Committee on the Rights of the Child has highlighted the inter-connection between the right to education, guaranteed by article 28, and the exploitation of child labour[21].

A separate section of the UN Convention is devoted to sexual exploitation of children. *Article 34* speaks of the right of children to be protected from all forms of sexual exploitation and abuse, including child prostitution and the exploitation of children for pornographic purposes. Governments are obliged to take measures to prevent such forms of exploitation. Furthermore, *article 35* of the CRC mentions Government's obligation to make every effort to prevent such practices as the abduction and sale of, or traffic in children.

Article 33 - which sets the child's right to protection from the use of narcotic and psychotropic drugs and from being involved in their production or distribution - together with articles 34 are of basic importance with regard to street children as well, due to the connection of the phenomenon with the use of illicit drugs, prostitution and exploitation. It is therefore evident that they need proper care for recovery and reintegration (Article 39)[22].

Article 26 deals with recognition by States Parties of the right of every child to social security, and the obligation on States Parties to provide it in accordance with their national law. Given the ban on child labour, children do not acquire this right by virtue of their own labour. It is not clear then whether children who work because exceptions to the ban on child labour are permitted, are entitled to social security[23].

But the key change that has taken place in the thinking about "child labour" is a product of expanded discussion about an underpinning principle expressed in the Convention, the best

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[19] VERHELLEN E., *Convention on the Rights of the Child*, op. cit., p. 109.

[20] FNV, *Eliminating child labour*, op. cit., p. 4.

[21] The Committee on the Right of the Child held a General Discussion on economic exploitation of children in October 1993. At the conclusion of the General Discussion the Committee made a public statement and, subsequently, through a working group of its members, framed a set of recommendations. For further details see HODGKIN R. AND NEWELL P., *Implementation Handbook for the Convention on the Rights of the Child*, UNICEF, 1998, pp. 434-435 and COMMITTEE ON THE RIGHTS OF THE CHILD, *Report on the fourth session*, September-October 1993, CRC/C/20, Annex VI, pp. 57-58.

[22] COUNCIL OF EUROPE, *Street children*, op. cit., p. 42.

[23] VERHELLEN E., *Convention on the Rights of the Child*, op. cit., pp. 109-110.

interests of the child. It is a concept that is unique to this human rights treaty. *Article 3* stipulates that in all actions concerning children, the best interests of the child shall be a primary consideration.

In addition, the Convention asserts the rights of children to be consulted in matters affecting them, and their view of their own best interests should also therefore be taken into account (*Article 12*).

These two principles represent a very important change in the way programmes and protection relating to children should be conceived; when designing and implementing such programmes, the well-being of the child should be upheld as a priority, and should always be considered alongside the well-being of parents, adults, teachers, and institutional expressions of society. Thus, questions relating to whether a child should work, what kind of work is appropriate and in what circumstances, should first refer to his or her best interests. Determination of those best interests can best be judged by reference to a model of child development - a model understood to include physical, mental, intellectual, psychological, social, and emotional development - not to systems of labour market legislation[24].

The Committee on the Rights of the Child, which adopted "Recommendations concerning economic exploitation of children" at its fifth session in January 1994, emphasised that the holistic approach to the human rights of children should be used as a general framework in which to consider situations of economic exploitation of children. This holistic framework can be deducted from the general principles of the CRC: non-discrimination principle (Article 2), the best interests of the child (Article 3), the child's right to participate (Article 12)[25].

Children's participation rights, defined by the Convention, are essentially what one could term 'civil rights'. They could enable children to play a constructive role in society. Since working is one of the most constructive ways in which one can shape his/her own environment, the right to work could be considered an important participation right. One can wonder then, if in the Convention the constructive role that children can play is considered only as an abstract concept[26].

Commitment to the elimination of "child labour" becomes, within the new child-centred framework, a commitment to remove children from those kind of work or workplaces which are harmful to themselves or to their childhood prospects. This demands a far more subtle and variable response to child work in different settings than does a simple blanket prohibition against child employment under a

[24] CHILDWATCH INTERNATIONAL AND THE NORWEGIAN CENTRE FOR CHILD RESEARCH, *A report on the child labour section*, op. cit., p. 11.

[25] HODGKIN R. AND NEWELL P., *Implementation Handbook for the Convention on the Rights of the Child*, op. cit., p. 435.

[26] VERHELLEN E., *Convention on the Rights of the Child*, op. cit., p. 111.

certain age. It will as much demand actions to support the physical and psycho-social development of child workers, as require actions to prevent children entering the workplace or expelling them from it[27].

2.4 EUROPEAN UNION LEGISLATION

There has been a big evolution in the EU legislation on child labour starting from 1967. At that time the European Commission considered child labour and the protection of children at work as national tasks and therefore State Parties were encharged to cope with these issues[28]. The European Commission reaffirmed its position in 1986 when, replying to interrogations 254 and 258 of the Members of Parliament, Hoon and Vivier, it stated that the protection of child labour is a specific competence of the Member States[29].

But then, afterwards, the European Union competence on child labour developed and enlarged. In 1989 The European Council of the EC adopted *the Charter of Fundamental Social Rights of Working People* which included, for the first time, a provision for the protection of children and adolescents in employment by laying down that the minimum age for admission to employment should not be lower than 15 years. The Commission's Action Programme, accompanying the Social Charter, also provides the first original announcement for a proposal about a "Young Workers Directive"[30]. A draft proposal first appeared in early 1992 and was progressed under Article 118A of the EC Treaties, which allows qualified majority voting on the Council[31].

This Directive was adopted by the European Social Affairs Council on 22 June 1994. It is a very important result requiring Member States to generally protect the health and the safety of workers under 18. Member States will have two years in which to implement the Directive, however a non-regression clause prevents Member States using the Directive as a reason for reducing their standards[32].

The evolution of the European legislation is shown in the following list :

- *European Commission's Recommendation no. 67/125 EC to Member States concerning the protection of young people at work.*

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[27] CHILDWATCH INTERNATIONAL AND THE NORWEGIAN CENTRE FOR CHILD RESEARCH, *A report on the child labour section*, op. cit., p. 12.
[28] See Commission's Recommendation No. 67/125 EC in the list below.
[29] TOSCHI M., *Chronology of the legal evolution of children's rights: "De l'amour vers le respect"*. EFCW, 1997, p. 25.
[30] TOSCHI M., *Chronology of the legal evolution of children's rights*, op. cit., p. 33.
[31] RUXTON S., *Children in Europe*. NCH Action For Children, London, 1996, p. 463.
[32] *Ibidem*.

- *European Parliament Resolution on child labour*, 1987.
- *European Council of the EC Charter of fundamental social rights of working people*, 8/9 December 1989.
- *European Commission's proposal for a Council Directive on the protection of Young People at work*, January 1992.
- *European Parliament Resolution on a European Charter on the Right of the Child*, 8 July 1992.
- *EU Council of Ministers Young Workers Directive 94/33/EC, L216*, August 20 1994.

It is worth underlining the main points of the *Young Workers Directive* as it is the most recent EU legislation.

But first of all there is a need to specify what kind of definitions of Young Person, Child and Adolescent the Directive uses:

- **Young Person**: a person under 18 years of age who has an employment contract or relationship defined or governed by law.
- **Child**: a young person under 15, or who is still subject to compulsory full-time schooling under national law.
- **Adolescent**: a young person who is at least 15, but less than 18, who is no longer subject to compulsory full-time schooling under national law[33].

The Directive requires Member States to generally ensure that:

a. work by adolescents is strictly regulated and protected;
b. employers guarantee that young persons have working conditions suitable to their age;
c. young persons are protected against economic exploitation and against any work that is likely to harm their safety, health, or physical, mental, moral or social development, or likely to jeopardise their education.

Member States are required by the Directive to ensure that the minimum working or employment age is not lower than the minimum school leaving age, and in any case, not lower than 15.

The Directive requires Member States to prohibit the employment of young persons from work which:

- is beyond their physical or psychological capacity;
- involves harmful exposure to agents which are toxic, carcinogenic, cause heritable genetic damage, or harm to the unborn child, or which chronically affect human health;
- involves harmful exposure to radiation;
- involves the risk of accidents which cannot be recognised or avoided by young persons, due to their insufficient attention to safety or lack of experience or training; or
- involves a risk to health from extreme cold and heat, or from noise or vibration (*Article 7*)[34].

[33] RUXTON S., *Children in Europe*, op. cit., p. 461.

The Directive also introduces specific requirements covering working hours, rest breaks, and night work, frequently differentiating between adolescents and children.

Member States should lay down effective and appropriate sanctions in the event of failure to comply.

Member States will have to report to the Commission every five years on the practical implementation of the provisions of the Directive (*Article 17*).

2.5 Council of Europe legislation

The Council of Europe was the first Institution to consider the rights of children at work at the European level, and to develop consequent legislation. First of all by an indirect means - The European Convention for the protection of Human Rights and Fundamental Freedoms, 1950 - and then by a direct one which is even a pendant of the European Convention itself, The European Social Charter, 1961. It was revised by the Committee of Ministers (1-4 April 1996) and opened for signature by the Council of Europe Member States. The other Resolutions follow, as we can see from the list below:

- *European Convention for the protection of Human Rights and Fundamental Freedoms, 4 November 1950.*
  It came into force in 1953.
- *European Social Charter, 18 October 1961.*
  It came into force on 26 February 1965.
- *Resolution no. (72) 4 on The Protection of Young Persons at Work*, 1972.
- *Resolution no. (75) 14 on Unemployment among Young People*, 1975.
- *Recommendation no. R(79) 3 on the Integration of Young People into the World of Work*, 1979.
- *European Social Charter (revised), 3 May 1996.*
  Not yet entered into force.
- *Recommendation no. 1336 on Combating Child Labour Exploitation as a Matter of Priority*, 1997.

The right of children and young people to protection is elaborated in detail in the *European Social Charter*, in Article 7, which requires the Contracting Parties to undertake all necessary measures:

1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in

[34] Ruxton S., *Children in Europe*, op. cit., pp. 464-465.

prescribed light work without harm to their health, moral or education;

2. to provide that a higher minimum age of admission to employment shall be fixed with respect to prescribed occupations regarded as dangerous or unhealthy;
3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;
4. to provide that the working hours of persons under 16 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;
5. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;
6. to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;
7. to provide that employed persons under 18 years of age shall be entitled to not less than three weeks' paid annual holiday;
8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;
9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;
10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.(...)[35]

These provisions are directly linked to the protection of children at work and to the indirect prohibition of child labour through the requirement of a minimum age for admission to employment. The provisions related to child labourers are very similar to those provided by ILO Convention No. 138 and the European Charter was promulgated 12 years before it but after several sectoral minimum age ILO Conventions and Recommendations.

The *revised Social Charter*, drawn up by the Committee on the European Social Charter[36], was adopted by the Committee of Ministers at the 562nd meeting of the Ministers' Deputies (1-4 April 1996) and opened for signature by the Council of Europe Members States. The revised charter increases the protection of young people at work, employed in occupations regarded as dangerous or unhealthy: their employment is prohibited under the age of 18 (in the

[35] COUNCIL OF EUROPE, *The rights of the child: A European perspective*. Council of Europe Publishing, 1996, pp. 546-547.

[36] This Committee, between 1990 and 1994, was entrusted with the relaunching of the charter.

former European Charter there was only a requirement of a minimum age). While authorising certain types of work, and in determining their working conditions, it stipulates as well a number of other guarantees[37].

The enforcement of the new Charter is submitted to a system of collective complaints. Social partners and NGOs (including the European Forum for Child Welfare) are allowed to submit collective complaints alleging unsatisfactory application of the Charter[38].

Recommendation no. 1336 on Combating Child Labour Exploitation as a Matter of Priority, was adopted by the Assembly on 26 June 1997. It is an appeal to Council of Europe Member States to put an immediate end to the most intolerable forms of child labour. The extreme forms of child labour are listed in Article 2 and they correspond to the extreme forms indicated by ILO in its proposed text for the new convention.

In Recommendation no. 1336 child labour is recognised as a pan-European issue and some forms of it are considered as intolerable.

The Council of Europe Assembly calls on Member States to:

- adopt a clear national policy and time-bound programme of action to firmly combat the economic exploitation of children in Europe;
- to undertake systematic and action-oriented research on all areas regarding child labour;
- to renew national legislation to comply with the international standards set by the Council of Europe, the Convention on the Rights of the Child and the relevant ILO Convention (particularly the ILO Minimum Age Convention, No. 138);
- to involve and consult all interested partners, such as trade unions, employers, NGOs, the children themselves and their families.

2.6 Other international treaties

Convention on The Suppression of Slave Trade and Slavery, 1926. Signed in Geneva, September 25, 1926 and entered into force on 7 December, 1953

This convention requires signatories to "prevent and suppress the slave trade" and to "bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms". It also obligates parties to "take all necessary measures to prevent

[37] Council of Europe, *The rights of the child: A European perspective*, op. cit., p.551.

[38] This system integrates what the European Social Charter of 1991 and an additional Protocol of 1991 had already set up. The Additional Protocol of 1995, which provides the System of Collective Complaints, has not come into force yet. For more details see URL: http://coe.fr/

compulsory or forced labour from developing into conditions analogous to slavery".

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.
It came into force on 25 July 1951, 70 ratifications.

Supplementary Convention on the Abolition of slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.
It came into force on 30 April 1957, 114 ratifications.

It offers further clarification of prohibited practices and refers specifically to debt bondage and child servitude as institutions similar to slavery. It requires States Parties to "take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition of ...debt bondage... [and] any institution or practice whereby a child or young person under the age of 18 years, is delivered by either both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour".

International Covenant on Economic, Social and Cultural Rights (ICCPR), 1966.
It came into force on 3 January 1976, 133 ratifications.

Article 8 of the ICCPR prohibits slavery and the slave trade in all their forms, servitude, and forced or compulsory labour. Article 24 entitles all children to "the rights to such measures of protection as are required by his status as a minor, on the part of his family, society and the State". Some provisions relate to compulsory free primary education.

International Covenant on Civic and Political Rights (ICESCR), 1966.
It came into force on 23 March 1976, 132 ratifications.

It deals with the prohibition of slavery, servitude and forced or compulsory labour and the protection of minors. Article 7 requires Parties to protect "children and young persons... from economic and social exploitation".

Chapter 3
Ratification and implementation of international law concerning child work

SUMMARY: **3.1** Ratification of international and European law in the European countries - **3.1.1** ILO Minimum Age Convention 1973, No. 138 - **3.1.2** The Convention on the Rights of the Child, 1989 - **3.1.3** EU Council of Ministers Young Workers' Directive 94/33/EC, L216, 20 August 1994 -**3.1.4** Council of Europe, European Social Charter, 1961 - **3.2** National legislation on child work in the EU countries - **3.2.1** Minimum age for admission to employment - **3.2.2**. Working Hours and Rest Periods - **3.2.3** Detection and penalties to ensure enforcement

3.1 RATIFICATION OF INTERNATIONAL AND EUROPEAN LAW IN THE EUROPEAN COUNTRIES

In this paragraph we will look at the state of ratification of the main international pieces of legislation related to working children.

We will consider the ILO Convention No. 138, the UN Convention on the Rights of the Child, the EU Young Workers Directive of 1994 and the European Social Charter.

We will only refer to the fifteen European countries which are members of the European Union.

3.1.1 ILO Minimum Age Convention 1973, No. 138

This Convention is frequently seen as the more relevant and effective for one State to give to its national legislation a strong reference and framework to regulate the work of children and to protect them from economic exploitation.

On the other hand together with its accompanying Recommendation No. 146, it is sometimes considered too much detailed and articulate and therefore not easy to be implemented. As a matter of fact it does not leave a lot of arbitrariness to the State nor room for interpretation, and even exceptions are clearly foreseen. If, on the one hand this well defined framework becomes the more frequent reason for its limited number of ratifications, and on the other it could be considered a strength, a sort of clear and strong

commitment of ILO to define neat borders of the struggle against the exploitation of child labour.

To-date it has been ratified by 60 ILO Member States and 41 of them have started with the signatory procedures.

A number of EU Member States - including Austria, Portugal, and the UK - have so far not ratified ILO Convention No. 138. Austria has taken some measures in the light of a ratification without specifying any deadline, Portugal has already started with the formal process of ratification, the UK has not shown any willingness yet towards its ratification.

Table T - 3.1: Ratification dates of ILO Convention No. 138 by EU countries

Country	Date of ratification
Belgium	19 April 1988
Denmark	13 November 1997
Finland	13 January 1976
France	13 July 1990
Germany	8 April 1976
Greece	23-24 July 1981
Ireland	22 June 1978
Italy	28 July 1981
Luxembourg	24 March 1977
Netherlands	14 September 1976
Spain	16 May 1977
Sweden	27 April 1990

Source: URL: http://ilo.org, EFCW questionnaires

All EU Member States ratified the UN Convention on the Rights of the Child[1] and this clearly refers to ILO Convention No. 138 as a logical guide for countries revising their child labour legislation. The EU Member States which have not yet ratified Convention No. 138 have, on the other hand, assumed the commitment to bring their child labour legislation in line with international standards and therefore with the ILO Convention No. 138.

3.1.2 The Convention on the Rights of the Child, 1989

The Convention on the Rights of the Child is the most widely ratified international Convention. To-date only the USA and Somalia are missing as State Parties. Table 3.1 gives an overview of dates of ratification and entry into force of the CRC in EU Member States.

Few States Parties of the CRC have made reservations or declarations in relation to article 32. Among the EU Member States

[1] For the state of implementation of the CRC see below in this paragraph.

only the **United Kingdom** indicated that its employment legislation does not treat persons under the age of 18 but over the school leaving age (16) as children, but as "young people". "Accordingly, the United Kingdom reserves the right to continue to apply article 32 subject to such employment legislation"[2]. The Committee expressed concern at the broad nature of the reservations made by the United Kingdom, and went on to recommend: "Within the context of the law reform being considered with regard to matters relating to the employment of children, the Committee expresses the hope that the State Party will consider reviewing its reservation with a view to its withdrawal..."[3].

Table T - 3.2 Dates of signature, receipt of ratification and entry into force of the CRC in the EU Member States

States	Date of signature	Date of receipt instrument of ratification/accession	Date of entry into force
Austria	26 January 1990	6 August 1992	5 September 1992
Belgium	26 January 1990	16 December 1991	15 January 1992
Denmark	26 January 1990	19 July 1991	18 August 1991
Finland	26 January 1990	20 June 1991	20 July 1991
France	26 January 1990	7 August 1990	6 September 1990
Germany*	26 January 1990	6 March 1992	5 April 1992
Greece	26 January 1990	11 May 1993	10 June 1993
Ireland	30 September 1990	28 September 1992	28 October 1992
Italy	26 January 1990	5 September 1991	5 October 1991
Luxembourg	21 March 1990	7 March 1994	6 April 1994
Netherlands	26 January 1990	6 February 1995	7 March 1995
Portugal	26 January 1990	21 September 1990	21 October 1990
Spain	26 January 1990	6 December 1990	5 January 1991
Sweden	26 January 1990	29 June 1990	2 September 1990
United Kingdom	19 April 1990	16 December 1991	15 January 1992

* The former German Democratic Republic signed and ratified the Convention on 7 March 1990 and 2 October 1990 respectively.

Source: COMMITTEE ON THE RIGHTS OF THE CHILD, *Reservations, declarations and objections relating to the Convention on the Rights of the Child*, CRC/C/2/Rev. 6, 9 April 1997.

[2] CRC/C/2/Rev.5, § 34.
[3] CRC/C/15/Add.34, 1995, § 37.

The Committee on the Rights of the Child has made additional comments about the countries listed below:

Denmark

One member of the Committee commented on the high rate of industrial accidents among young people in Denmark[4]. The Committee recommended: "...that the State Party undertake further measures to implement the provisions of article 32 ... and 39 of the Convention relating to the prevention and protection of children from economic ... exploitation and their rehabilitation and recovery ..."[5].

In discussion about prostitution, one Committee member wondered whether, because of Denmark's liberal attitude towards sexual activity, the view that a clamp-down on prostitution would be an infringement of individual rights might not be legitimately regarded as over-permissive, particularly where young people were involved. One Government representative said that there was no intention of criminalising prostitution; instead the authorities were attempting to provide guidance to girls at risk. Another representative said that this matter was under constant review[6].

The Committee remained concerned about the sexual exploitation of children and recommended that Denmark: "... undertake further measures to implement the provisions of articles ... 34 and 39 of the Convention relating to the prevention and protection of children from ... sexual exploitation and their rehabilitation and recovery ..."[7].

Finland

The Committee expressed concern that Finland's legislation did not cover children aged between 15 and 18 and encouraged it to: "... revise its labour legislation for children between the ages of 15 and 18 years in the light of the relevant international standards ..."[8].

As for child pornography and sexual exploitation of children the Committee expressed its concern and recommended that: "In the process of reforming the Penal Code, the Committee strongly recommends that the possession of child pornography materials and the purchase of sexual services from child prostitutes be made illegal. It also recommended that the State Party takes all appropriate measures to protect children from accessing sex telephone services and from the risk of being sexually exploited by paedophiles through these telephone services that can be accessed by anyone..."[9].

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[4] CRC/C/SR.201, 1995, § 20.

[5] CRC/C/15/Add.33, 1995, § 32.

[6] WYLD N., *European Children's Rights: an overview of law, policy and practice*, EFCW, 1997, p. 105.

[7] CRC/C/15/Add.33, 1995, § 32.

[8] CRC/C/15/Add.53, 1996, § 30.

[9] CRC/C/15/Add.53, 1996, §§ 19 and 29.

France

"In the light of the best interests of the child and other provisions of Convention No. 138 to which France is a Party, the Committee believes that the employment of children who have not yet completed their compulsory schooling, as admitted by the legislation in the case of domestic servants and family enterprises, including in the area of agriculture, deserves reconsideration by the State Party. It also encourages the State Party to renew access by children to activities in the fashion industry in order to ensure that this only takes place on the basis of a case-by-case approach and in the light of the best interests of the child"[10].

Italy

Among the principal subjects of concern the Committee indicates the insufficient measures "... to assess and provide for the need of children from vulnerable and disadvantaged groups, such as children from poor families and from single-parent households, children of foreign and Roma origins and children born out of wedlock. The Committee is concerned that these children belonging to these disadvantaged groups seem more likely ... to be employed in clandestine work or even in illegal activities[11].

The Committee recommends that "... measures including assistance to disadvantaged families be undertaken to prevent the illegal use of children in the labour force ..."[12].

Portugal

"The Committee is concerned by the increasing number of children living in the streets of the main cities and the lack of information in this area"[13] and "... recommends that measures be taken to give appropriate support to all children living at risk, especially children living on the street"[14].

"The Committee encourages the State Party to pursue its efforts with a view to ratifying ILO Convention No. 138 in the near future"[15].

In its report, the Working Group of NGOs states that the legislative position largely complies with article 32, but that the law is difficult to enforce[16].

Spain

The Committee commented that "The State Party should give particular attention to the implementation of the provisions of article 32 of the Convention aimed at protecting the child against economic exploitation as well as to the implementation of the relevant

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[10] CRC/C/15/Add.20, 1994, § 27.
[11] CRC/C/15/Add.41, 1995, § 11.
[12] CRC/C/15/Add.41, 1995, § 21.
[13] CRC/C/Add.45, 1995, § 17.
[14] CRC/C/Add.45, 1995, § 24.
[15] CRC/C/Add.45, 1995, § 22.
[16] WYLD N., *European Children's Rights: an overview of law, policy and practice*, op. cit., p. 104.

conventions of the International Labour Organisation that it has ratified"[17].

Sweden

"The Committee suggests that the Government should re-assess the effectiveness of present regulations regarding the exploitation of children in pornographic materials. Further, the Government should not overlook the problem of sexual abuse within the family"[18].

United Kingdom

While the Government maintained its attitude regarding deregulation of employment for children over 16 years old, the Committee stated that: "... it welcomes the information it received concerning the commitment of the Government to review its legislation in the area of the employment of children ..."[19].

The Committee made some comments for the protection of children from sexual exploitation and sexual abuse. "The issue of sexual exploitation and drug abuse as they affect children should also be addressed on an urgent basis, including with regard to the undertaking of further measures to prevent them... . Programmes and strategies should be developed to ensure that measures are in place to promote the physical and psychological recovery and social reintegration of a child victim, inter alia, neglect, sexual exploitation, abuse, family conflict, violence, drug abuse, as well as children in the system of the administration of justice"[20].

It is surprising that the Committee has made observations about child labour in seven EU countries: these range from recommending that Governments should subscribe to international minimum age limits for child employment to addressing serious problems of economic exploitation in Italy and Portugal. The majority of criticism about child pornography and prostitution are directed towards the Nordic countries. The higher incidence of child pornography and prostitution may derive from the more liberal attitudes towards sex in these countries[21].

3.1.3 EU Council of Ministers Young Workers' Directive 94/33/EC, L216, 20 August 1994.

It appears meaningful to look at the state of the implementation of a Directive in the EU Member States, because a Directive is not directly applicable in the EU countries and it needs to be translated into national legislation.

The **UK** Government has secured an 'opt-out' allowing it to refrain from implementing some of the most significant provisions of the

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[17] CRC/C/15/Add.28, 1994, § 24.

[18] CRC/C/15/Add.2, 1993, § 12.

[19] CRC/C/15/Add.33, 1995, § 5.

[20] CRC/C/15/Add.34, 1995, §§ 38 and 39.

[21] WYLD N., *European Children's Rights: an overview of law, policy and practice*, op. cit., p. 106.

Directive for a period of four years after the date by which implementation was supposed to take place (22 June 1996). Once this period has elapsed the Commission will submit a report on the effects of the opt-out and the Council will make a decision as to whether the period should be extended, modified, or dropped. The European Commission and other Member States openly opposed the UK op-out, believing it would undermine proper employment protection for children aged under 18 in the UK. The UK Government objected to the proposal on the grounds of subsidiarity, and argued that the Directive was 'excessively prescriptive' and concerned more with terms and conditions of employment than health and safety issues (the latter may be decided by majority voting). The Employment Department also stated its view that the UK already had effective protection for young persons. When the Directive was agreed, the UK Government argued it had 'won a great victory for the newspaper boys and girls of the UK'. Closer examination of the text of the Directive indicates, however, that changes made during the passage of the legislation ensure that such activities would, in any case, not have been prevented[22]. The opt-out is going to last until the year 2000[23].

The provisions of the Directive that are not applicable in the UK include:

Working time (Article 8):

Member States shall limit the working time of children[24] to

1. (b) two hours on a school day and 12 hours a week for work performed in term-time outside the hours fixed for school attendance, provided that this is not prohibited by national legislation and/or practice;

in no circumstances may the daily working time exceed seven hours; this limit may be raised to eight hours in the case of children who have reached the age of 15.

2. Member States shall adopt the measures necessary to limit the working time of adolescents to eight hours a day and 40 hours a week.

Night work (Article 9):

1. (b) Member States shall adopt the measures necessary to prohibit work by adolescents either between 10 p.m. and 6 p.m. or between 11 p.m. and 7 a.m.

2. (a) Member States may, by legislative or regulatory provision, authorise work by adolescents in specific areas of activity during the period in which night work is prohibited as referred to in paragraph 1 (b).

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[22] RUXTON S., *Children in Europe*, op. cit., pp. 463-464.

[23] ANTI-SLAVERY INTERNATIONAL, *The Employment of Children in the UK*, Briefing Paper, November 1995, p. 3.

[24] Children of at least 14 years of age working under a combined work/trained scheme or an in-plant work experience scheme, or performing light work other than cultural or similar activities. See text of the Directive, Article 4, Sub-paragraph 2 (a) and (b).

In that event, Member States shall take appropriate measures to ensure that the adolescent is supervised by an adult where such supervision is necessary for the adolescent's protection.

(b) If point (a) is applied, work shall continue to be prohibited between midnight and 4 a.m.

Apart from the special case represented by the UK, every Member State, as we saw in chapter 2, has to report to the Commission every 5 years on the practical implementation of the Directive. The reporting process will not start before the year 2001, depending on when the Directive was concretely transposed into national legislation.

3.1.4 Council of Europe, European Social Charter, 1961

The European Social Charter entered into force on 26 February 1965 and the Additional Protocol to it of 1988 on 4 September 1992, whereas to-date (1 April 1998) the 1991 Protocol amending the European Social Charter, the 1995 Additional Protocol Providing for a System of Collective Complaints and the 1996 Revised European Social Charter have not yet come into force.

Table T - 3.3: Dates of Signature, Ratification/Accession and entry into force of the European Social Charter in the EU Member States

Member States	Date of Signature	Date of Ratification or Accession	Date of entry into force
Austria	22 July 1963	29 October 1969	28 November 1969
Belgium	18 October 1961	16 October 1990	15 November 1990
Denmark	18 October 1961	3 March 1965	2 April 1965
Finland	9 February 1990	29 April 1991	29 May 1991
France	18 October 1961	9 April 1973	8 April 1973
Germany	18 October 1961	27 January 1965	26 February 1965
Greece	18 October 1961	6 June 1984	6 July 1984
Ireland	18 October 1961	7 October 1964	21 November 1965
Italy	18 October 1961	22 October 1965	21 November 1965
Luxembourg	18 October 1961	10 October 1991	9 November 1991
Netherlands	18 October 1961	22 April 1980	22 May 1980
Portugal	1 June 1982	30 September 1991	30 October 1991
Spain	27 April 1978	6 May 1980	5 June 1980
Sweden	18 October 1961	12 December 1962	26 February 1965
United Kingdom	18 October 1961	11 July 1962	26 February 1965

Source: URL: http://www.coe.fr/

Every EU Member State (all of them are State Parties of the Council of Europe) ratified the 1961 European Social Charter. Table 3.3 presents the different dates of signature, ratification and entry into force of the Charter in every EU country. To-date (1 April 1998) the total number of ratifications is 21[25].

To-date the 1996 Revised European Social Charter has been signed (1 April 1998) by 14 countries, including Belgium, Denmark, Finland, France, Greece, Italy, Luxembourg, Portugal, Sweden and the United Kingdom. Not one State has yet ratified it.

3.2 NATIONAL LEGISLATION ON CHILD WORK IN THE EU COUNTRIES

All countries of the European Union have detailed legislation governing child work. This always includes the prohibition of dangerous work, describes what is meant by "light" work, provides for special medical supervision and lays down particular constrains on employers who take on young people. Regulation of pay is not so common. Some sectors, such as the cultural sector, are being subjected to increasing levels of control.

In **northern Europe** - *Denmark*, *Finland*, *Sweden* - the situation regarding the employment of children and adolescents is a particularly privileged one. It is considered to be a part of social integration and a form of preparation for a career. It is covered by national legislation which stipulates working hours, dangerous and prohibited work, and the employer's role in training and supervision. The age of majority is 18. There are 9 years of compulsory education in these three countries, which would normally make the school leaving age 16[26].

Central and western European countries - *Austria*, *Belgium*, *France*, *Germany*, *Ireland*, *Luxembourg*, *Netherlands*, *United Kingdom* - have extensive regulations concerning the employment of children. A child is generally defined as a person who has not yet attained the age of 18. In Austria, however, the age of majority is attained at 19. The minimum school leaving age is generally fixed at 15 or 16 and the definition of the minimum working age by employment law in all these countries corresponds to the minimum school leaving age[27].

In **Southern Europe** - *Greece*, *Italy*, *Portugal*, *Spain* - a child is defined as a person who has not yet attained the age of 18. The minimum school leaving age varies between 14 and 16. Employment of children under 15 is generally prohibited, except work carried out

[25] URL: http://www.coe.fr/

[26] COUNCIL OF EUROPE, *Children and Work in Europe*, op. cit., p. 33.

[27] COUNCIL OF EUROPE, *Children and Work in Europe*, op. cit., pp. 34-35.

by a child for his/her family. There are strict regulations in all these countries concerning work which is light and authorised on the one hand, and work which is dangerous and prohibited, on the other. It is the application of these rules, rather than the rules themselves, which differs between some countries in southern Europe and other European countries[28].

3.2.1 Minimum age for admission to employment

Northern Europe

In **Denmark,** under the Working Environment Act, the age limit for working is generally 15 years; however the age limit is higher for employment which may be hazardous to the safety, health and development of a young person[29]. Young persons under the age of 18 years cannot be employed in hazardous work involving a specific risk (e.g. work which implies exposure to dangerous material or substances, risks of suffering or injuries of the motor system, work which may involve a risk of suffocation or explosion)[30].

Children between the ages of 10 and 15 may perform light paid work (e.g. berry-picking, work in certain specialist shops, light cleaning, work as messengers or on paper rounds). In any case these activities should not be regardless of the age, the development and state of health of the children and their schooling. Finally, children under the age of 15 years may, upon permission from the police, appear commercially in public performances or in connection with the making of films[31].

In 1994, a new Act in **Finland** relating to young employees came into force which takes into account the limitations imposed on the employment of minors by the European Social Charter. The general requirements for gainful employment are a minimum age of 15 and the completion of compulsory education[32].

The new act extends somewhat the right of children of school age to work during school terms. Earlier, school children in fact worked during the terms illegally. The purpose of the new rules is to set reasonable limits to work[33].

Children under 13 may not be gainfully employed, although labour protection authorities may allow a child of 13 or below to work as a performer or assistant in cultural or similar events. Hazardous work and night work are restricted, and special provisions apply in some areas (e.g. agriculture, forestry, shipwork, domestic work)[34].

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[28] COUNCIL OF EUROPE, *Children and Work in Europe*, op. cit., p. 39.
[29] CRC/C/8/Add.8, 1993, § 336.
[30] CRC/C/8/Add.8, 1993, § 337.
[31] CRC/C/8/Add.8, 1993, § 338 and COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 33.
[32] RUXTON S., *Children in Europe*, op. cit., p. 468.
[33] CRC/C/8/Add.22, 1994, § 565.
[34] RUXTON S., *Children in Europe*, op. cit., p. 468.

According to the Work Environment Act a minor in **Sweden** cannot generally be employed before his/her sixteenth birthday or before compulsory education has been completed. However, from the age of 13 a minor can be employed on light work if it does not prejudice his/her health, development, or studies. Special provisions exist for work on board ship and domestic work[35].

Central and Western Europe

Child labour is generally prohibited in **Austria**. Thus, children under the age of 15 must not perform any type of work. The employment of children solely for teaching and educational purposes as well as the engagement of one's own children in light household activities for a limited period of time (e.g. helping with the cooking, washing dishes and tidying up) cannot be regarded as child labour, provided that there is no risk of economic exploitation or the upbringing of health of the child being endangered by such activities[36].

This ban does not include the engagement of children from the age of 12 in certain light and occasional work, like employment in a family business, running errands, assisting on playing and sport fields or collecting flowers, herbs and fruit. In each case of employment of children, the approval of the legal representative is necessary[37].

In **Belgium** child labour is, in principle, forbidden. It is compulsory for children to attend school full-time up to the age of 15 or 16, and then part-time up to the age of 18[38].

According to a new Act which came into force in 1993[39] derogations to the general prohibition are possible for activities falling under education and professional training of children, and, exceptionally, for well determined activities for which individual derogations can be accorded (in the cultural field like advertising activities, roles in theatre, fashion shows). In any case the Belgian law bans the engagement of children in any activity which could have adverse effects on the pedagogical, intellectual or social development of children or endanger their physical, psychological or moral integrity or be harmful to their well-being[40].

In **France** employment of persons under 16 is prohibited, as young persons are not released from the compulsory education requirement until then. There are exceptions to this, mainly in the agricultural sector, where children may carry out light work in a family

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[35] CRC/C/3/Add.1, 1992, §§ 244, 241.

[36] CRC/C/11/Add.14, 1997, § 492.

[37] CRC/C/11/Add.14, 1997, § 493.

[38] RUXTON S., *Children in Europe*, op. cit., p. 468.

[39] Arrêté royal du 11 mars 1993 rélatif au travail des enfants.

[40] MINISTERE DE L'EMPLOI ET DU TRAVAIL DE LA BELGIQUE, *Clés pour la reglementation du travail des enfants*, Septembre 1996, p. 9.

undertaking from the age of 13[41]. Young people can take up apprenticeships at 15 years. During the school holidays, adolescents aged from 14 may perform light work within the limits and in accordance with the formalities established by law. Access to certain dangerous work is forbidden for young people under 18 years[42].

Development in publicity and the increase in audio-visual media have led to an augmented use of adult or child models to present messages or products for commercial purposes. Since the Act of 6 August 1963[43] did not cover this activity, children posing for publicity photographs or taking part in fashion parades enjoyed no protection. The Act of 12 July 1990 has filled this gap by regulating the profession and providing a statute for modelling agencies[44].

Child labour is prohibited in **Germany** under the Act Concerning the Protection of Minors at Work of 12 April 1976, most recently amended by Statute of 24 April 1986 as a matter of principle. The Act prohibits any kind of work which is likely to be harmful to the child's health, safety and development and to interfere with his or her school education. Employment of children is therefore permitted only in exceptional cases. Children over the age of 13 may be employed by their parents or with their parents' consent to do light work for brief periods of time; examples of light work are helping with the harvest, delivering newspapers and assisting at sporting events. Once pupils have attained the age of 15, they may work for up to four weeks during school vacations[45].

In **Ireland**, the Protection of Young Persons (Employment) Act, 1977, was in force for 20 years, Now, in response to the 1994 EU Directive, the Protection of Young Persons (Employment Act), 1996 was issued. The Act, signed into law on 26 June 1996, came into force by Ministerial Order on 2 January 1997[46]. The new Act states that the employment of children under 16 is generally prohibited, while a child over 14 years may be permitted to do light work during school holidays provided it is not harmful to health, development or schooling, or may be employed as a part of an approved work experience or education programme. Any child under 16 may be employed in films, theatres, sports or advertising activities under licence.

In **Luxembourg** the law prohibits the employment of children under the age of 15 in any kind of work, those up to the age of 18 are allowed to work in occupations which are not detrimental to their development[47].

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[41] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 35.

[42] CRC/C/3/Add.15, 1993, §§ 406, 407, and RUXTON S., *Children in Europe*, op. cit., p. 469.

[43] The Children's Employment Act.

[44] CRC/C/3/Add.15,1993, § 409.

[45] CRC/C/11/Add.5, 1994, §§ 109, 110, 111.

[46] O'DOHERTY S., "Suffer the little children", in *Law Society Gazette*, June 1997, p. 12

[47] RUXTON S., *Children in Europe*, op. cit., p. 470.

In the **Netherlands**, exceptions to the prohibition on the employment of children under 16[48] vary according to the age of the child. From the age of 13, children can work in family undertakings; from the age of 14 they can work in companies as trainees; from the age of 15 they can take part in cultural activities, carry out light work during the school holidays, sell newspapers, and work for charity organisations[49].

In the **UK** legislation on child employment sprang out from the reforms introduced at the turn of the century when the horrors of child labour became exposed and a growing commitment was emerging to the provision of universal education. These concerns led to the introduction of the Children and Young Persons Act 1933 and primary legislation in this area has not changed substantially since that time. This legislation gives the power to local authorities to restrict employment and offer protection through registration and enforcement by making of by-laws. Amid concern about child employment in the early seventies, further legislation passed through Parliament which was intended to repeal the many variations in local by-laws and provide great protection powers. However, this legislation, the Employment of Children Act 1973, was never enacted because of its resource implications. In 1976 the Department of Health issued guidelines to local authorities to encourage them to update the existing by-laws on child employment to bring them in line with the spirit of the 1973 Act, but the response was, at best, haphazard[50].

According to the existing laws, work is prohibited for children under the age of 13[51]. However, children over 10 may, if expressly authorised by local by-laws, be employed by their parents or guardians to carry out agricultural or horticultural work[52].

Children are only permitted to work where the employment is not harmful to their health, well-being or education, and in particular work in any industrial undertaking is strictly prohibited[53]. The *UK Agenda for Children* stated that enforcement of the legislation is weak and that some forms of employment are subject to more limited protection such as working in a family business or in the entertainment industry and some excluded altogether such as

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[48] The minimum working age is defined under a selection of legislation including the 1919 Factories Act, the Stevedores Act 1914 and the Outwork Act 1933. See RUXTON S., *Children in Europe*, op. cit., p. 470.

[49] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 36.

[50] CHILDREN'S RIGHTS DEVELOPMENT UNIT, *Briefing on Child Employment*, London, 1993, pp. 2-3.

[51] ANTI-SLAVERY INTERNATIONAL, *The Employment of Children in the UK*, Briefing Paper, November 1995, p. 1. New regulation to safeguard the health and safety of young workers (aged under 18) came into force in March 1997. The Health and Safety (Young Persons) Regulations 1997 implement the health and safety provisions of the European Directive on the protection of young people at work. See URL: http://www.open.gov.uk

[52] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 35.

[53] CRC/C/11/Add.1, 1994, § 593.

babysitting and self-employed children working under franchising arrangements[54].

Southern Europe

In **Greece**, Article 2 of the Law 1937/89 on protection of young people, states that young people must have reached the age of 15 before they can be employed, with the exception of those employed in theatrical, musical performance or other artistic events (Article 3). In any case the work must not be harmful, physically, mentally, morally, or detrimental to their health in general[55].

In **Italy** the minimum age for admission to labour is set at 15 years[56], with the exception of agricultural and domestic work, for which the minimum age is 14 years, on condition that the professional activity is compatible with the protection of the minor's health and does not violate school obligations. Minors having reached the age of 14 may perform light work. The minimum age is raised to 16 for dangerous, difficult or unhealthy work. For hazardous work the minimum age is 18[57].

Article 59 of the Constitution in **Portugal** requires the State to provide special protection for minors at work. Another provision was added in the constitutional revision of 1989 explicitly prohibiting work by school-age minor children (Article 74)[58]. The child labour law No. 396 of 1991 raises the age of admission to employment from 14 to 16 for young people who have not completed 9 years compulsory schooling (children who have completed 9 years compulsory schooling can work from age 15 onwards). Fourteen year olds are exceptionally permitted to perform light work, provided they have completed their compulsory schooling[59].

In **Spain** the Worker's Statute provides that the minimum employment age shall be 16. This only applies to paid work performed as part of a job which is governed by legal employment conditions. Work carried out by a child for his/her family is excluded from this prohibition, subject to the consent of the courts[60]. Employment of children in the entertainment industry is allowed under the age of 16, but it has to be specified by the labour authority,

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[54] WYLD N., *European Children's Rights: an overview of law, policy and practice*, op. cit., p. 103. The *UK Agenda for Children* is the parallel report to the Committee on the Rights of the Child presented by the Children's Rights Development Unit, April, 1994.

[55] RUXTON S., *Children in Europe*, op. cit., p. 469.

[56] The protection of working minors is a basic duty of the State as it is stated in Article 37 of the Italian Constitution. In the framework of the regulations on work by minors, Act No. 977 of 17 October 1967 (Protection of working children and adolescents) is especially important. See CRC/C/8/Add.18, 1995, § 186 and COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 39.

[57] CRC/C/8/Add.18, 1995, §§ 187, 188.

[58] CRC/C/3/Add.30, 1994, § 218.

[59] RUXTON S., *Children in Europe*, op. cit., p. 470.

[60] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 39.

and must not put at risk the minor's physical health, vocational training or personal development[61].

3.2.2. Working Hours and Rest Periods

Northern Europe

In **Denmark**, working time for those aged 18 or under may not exceed that of adult workers in the same occupational field. The daily hours of work may never exceed 10 hours. Young workers should have a daily rest period of 12 hours which should include the hours between 8 p.m. and 6 a.m.. In special trades, such as places of entertainment, restaurants and hotels and the distribution of papers and magazines, there are certain exceptions[62].

Work performed by minors under 15 is covered by stricter legislation than for older children, as regards hours worked: daily working hours must not exceed two hours on school days and eight hours on other days, and the total hours worked in one week must not exceed twelve hours. During school holidays, these hours are increased to 40 hours a week for children over 13, and 20 hours a week for children over 10[63].

In **Finland** the working hours of children below 15 may not exceed 7 hours a day and 35 hours a week. They must be between 8 a.m. and 8 p.m. Children below 15 must be allowed a minimum of 38 hours for uninterrupted weekly rest and a minimum of 14 hours of uninterrupted daily rest. During the school term, working hours may not exceed 12 hours a week, and they may not exceed two-thirds of the vacation. Combined, the school hours and working hours may not exceed 8 hours.

As a rule, the working hours of young people between 15 and 17 must be between 6 a.m. and 10 p.m. and the young employees must be allowed a minimum of 12 hours of uninterrupted rest every day.

Children below 15 may not be made to work overtime, and overtime by those aged 15-17 is subject to restrictions.

The provisions applicable to working hours in domestic work differ somewhat from those applied in other fields[64].

Under Finnish law, persons under 18 are prohibited from working alone if this entails any risk[65].

In **Sweden** detailed working hour provisions for minors in various age categories are contained in the *Board's Minors at Work Ordinance*[66].

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[61] RUXTON S., *Children in Europe*, op. cit., p. 470.

[62] CRC/8C/Add.8, 1993, § 339.

[63] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 33.

[64] CRC/C/8/Add. 22, 1993, §§ 570-573.

[65] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 33.

[66] CRC/C/3/Add.1, 1992, § 243.

Central and Western Europe

In **Austria** employment of children aged 12 is permissible for a maximum of two hours per day, and school lessons and employment combined may not exceed seven hours per day. Children are prohibited from working on Sunday and between 8 p.m. and 8 a.m.[67].

Adolescents aged 15-18 may work eight hours during the day. Their weekly working hours, including attending a vocational school, should not exceed 40 hours. Adolescents are entitled to a minimum break of half-an-hour after working 4,5 hours, and to an uninterrupted rest period of at least 12 hours. The yearly vacation for young employees is 30 working days. Adolescents must not be employed between 8 p.m. and 6 a.m.[68].

In **Belgium** the law fixes different maximum working hours for different age categories.

Children below 6 can work for a maximum of 4 hours per day; work should be carried out between 8 a.m. and 7 p.m. They are entitled to have a rest of half-an-hour every two working hours.

For children aged 7-11 the maximum daily working hours cannot exceed 6 hours; night work is prohibited between 10 p.m. and 8 a.m. They are entitled to have a rest of half-an-hour every three working hours.

Children aged 12-15 who have not yet completed their compulsory full-time schooling are allowed to work for a maximum of eight hours a day. Work has to be carried out between 8 a.m. and 11 p.m. Every four working hours they are entitled to have a rest of half-an-hour.

In any case, activities cannot be carried out for more than 5 consecutive days. The weekly rest should be of 48 uninterrupted hours[69].

Young people under the age of 18 are not allowed to work for more than 39 hours a week in **France**, nor may they work between the hours of 10 p.m. and 6 a.m. Young people under the age of 18 may not work in industry on statutory public holidays. In addition those aged under 21 on 30 April of the previous year are entitled to 30 working days leave, whatever their length of service[70].

The regulations covering health and safety and dangerous work are very strict. Young persons under 18 are only allowed to carry strictly defined loads. Work which involves exposure to dangerous substances or operating dangerous machines is prohibited and there are specific regulations applying to underground work[71].

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[67] CRC/C/11/Add.14, 1997, §§ 493, 495. and COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 35.

[68] CRC/C/11/Add.14, 1997, §§ 496,497.

[69] MINISTERE DE L'EMPLOI ET DU TRAVAIL DE LA BELGIQUE, *Clés pour la reglementation du travail des enfants*, op. cit., pp. 11-12.

[70] RUXTON S., *Children in Europe*, op. cit., p. 471.

[71] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 37.

In **Germany** once pupils have attained the age of 15, they may work for up to four weeks during school vacations[72]. As regards hygiene and safety and dangerous work, the employer is obliged to inform adolescents in advance of the risks of accident or illness to which they are exposed, and the existing means of prevention and safety. German laws on the protection of young people at work and on vocational training provide for specific training of instructors and trainers in this connection[73].

In **Ireland** the limit on hours worked for young people under 16 are shown in Table T - 3.4.

Table T - 3.4: Limitation on working hours for young people under 16 in Ireland

	14	15
Term time	Nil	8 hours
Holiday work	35 hours	35 hours
Work experience	40 hours	40 hours

Source: DEPARTMENT OF ENTERPRISE AND EMPLOYMENT, *Protection of Young Persons (Employment) Act, 1996, Guide for Employers and Employees*, Dublin, 1997.

Where the maximum week is 35 hours, the maximum day is 7 hours. A maximum 40 hour week means a maximum 8 hour day.

Children under 16 are entitled to have half-an-hour rest break after 4 hours work, to a daily rest break of 14 consecutive hours off, to a weekly rest break of 2 days off, as far as practicable to be consecutive.

Young persons aged 16 and 17 have a maximum working day of 8 hours and a maximum working week of 40 hours. They are entitled to half-an-hour rest break after 4,5 hours work, to 12 consecutive hours off as daily rest breaks and 2 days off as far as practicable to be consecutive, as a weekly rest break.

Night work is prohibited for under 16s between 8 p.m. and 8 a.m., and between 10 p.m. and 6 a.m. for 16 and 17 year olds[74].

In **Luxembourg**, the duration of work must not exceed 40 hours a week, and night work is prohibited in principal for adolescents. This relates to a 12 hour period between 8 p.m. and 5 a.m.; however there are derogations for those who work in continuous productive services and those in hotels, restaurants, cafes and the like, up to 10 p.m.[75].

In the **Netherlands** children may work in shops or sell newspapers on Saturday. Overtime is authorised under certain conditions. The annual leave is of 20 days. Night work is prohibited between 6 p.m. and 7 a.m.[76].

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[72] CRC/C/11/Add.5, 1994, § 111.

[73] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 37.

[74] DEPARTMENT OF ENTERPRISE AND EMPLOYMENT, *Protection of Young Persons (Employment) Act, 1996, Guide for Employers and Employees*, op. cit.

[75] RUXTON S., *Children in Europe*, op. cit., pp. 472-473.

[76] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 37.

In the **UK** children aged 13 are allowed to be employed but not on a school day, between the hours of 7 a.m. and 7 p.m., or for more than two hours, or a Sunday. Children aged 15 are allowed to work for no more than 4 hours a day or 24 hours a week. Between 15 and 16 a child can work a maximum of 8 hours a day or 35 hours a week. Children under the age of 15 must have a break of one hour after two hours continuous work, between 15 and 16 they are entitled to an hour's break after 5 hours continuous work[77]. The UK is the only country in the EU without provision of statutory paid leave for young employees[78].

Southern Europe

In **Greece**, Article 5 of the law 1937/89 states that any young person who has not yet reached the school leaving age of 16 and young people studying in any kind of State approved education institute may not work for more than 6 hours a day or 30 hours a week and may not work overtime. Further restrictions are in place for those working in the entertainment's industry, restricting working time depending on age; for those aged between 13 and 15 a maximum of between two and five hours a day applies. Young people must have a daily rest period of at least 12 hours and this must include the time between 10 p.m. and 6 a.m.[79].

In **Italy** the maximum week is 35 hours (7 hours per day) for children and 40 hours (eight hours per day) for adolescents. Children under 16 are entitled to an annual leave of at least 30 days, and under 18 to 20 days. Night work is prohibited between 10 p.m. and 6 a.m. for minors up to the age of 16 and between 10 p.m. and 5 a.m. for minors over the age of 16 years[80].

In **Portugal** children aged 14 may perform work which must not exceed 7 hours per day or 35 hours per week, and must be performed between 7 a.m. and 8 p.m.; it must not continue for more than four hours without a break of not less than one hour; and it must include a weekly rest period of at least two days. Overtime is prohibited[81].

In **Spain** the Worker's Statutes state that workers between 16 and 18 years of age may not engage in night work or jobs which the government declares to be unhygienic, arduous, noxious, or prejudicial to health, vocational training or personal development. Overtime is prohibited for those under the age of 18[82].

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[77] RUXTON S., *Children in Europe*, op. cit., p. 473 and CRC/C/11/Add.1, 1994, § 593.

[78] CHILDREN'S RIGHTS DEVELOPMENT UNIT, *Briefing on Child Employment*, op. cit., p. 18.

[79] RUXTON S., *Children in Europe*, op. cit., p. 472 text of the law.

[80] CRC/C/8/Add.18, 1992, §§ 189-190.

[81] CRC/C/3/Add.30, 1994, § 220.

[82] CRC/C/8/Add.6, 1993, § 336.

3.2.3 Detection and penalties to ensure enforcement

The authorities involved in monitoring the enforcement of legislation are the labour inspectorate, local authorities, social affairs inspectorates, police authorities and trade unions. Co-operation between these institutions, which is hardly ever of a formal nature, is in fact very rare. Labour inspectorates are responsible for checking that specific laws and regulations concerning the hours, pay and protection of young people at work are applied. Penalties exist in all Member States to ensure that legislation is enforced. It is evident, however, that in most countries, few resources are, in practice, available to implement and monitor such legislation.

Northern Europe

The countries of northern Europe attach great importance to prevention and ensure that information about the recruitment and work of young people is widely distributed.

They have developed a monitoring system, especially for the summer months when young people are most often employed. Employers are required to draw up a list of young employees with current contracts[83].

In **Denmark**, for example, trade unions conduct campaigns in the summer about the working conditions of children and young persons. The Danish Working Environment Service runs national information campaigns in co-operation with the social partners on the working environment of children and young persons[84]. If young persons under the age of 18 are employed in contravention of the Danish Working Environment Act, not only the person who employs the young person but also the person having custody will be liable to punishment if the work is performed with their knowledge[85].

In **Finland** young people at work are monitored by keeping a record of their details[86]. A fine may be imposed in Finland on an employer who violates the provisions of the Young Employees Act and the Protection of Young Employees Decree[87].

For the last twelve years, trade unions in **Sweden** have visited young people at work and informed them of their rights. In 1993, 18.000 young people were visited in this way at 4.300 different workplaces. Campaigns and conferences on this subject are held regularly at national and regional levels in Sweden, especially before the summer, by the authority responsible for working conditions. A simplified version of the regulations governing young people at work has been translated into several languages. Target groups receive information particularly relevant to them. This vigilance allows

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[83] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 42.

[84] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 43.

[85] RUXTON S., *Children in Europe*, op. cit., p. 474.

[86] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 42.

[87] CRC/C/8/Add.22, 1994, § 578.

employers, for example, to be alerted to any increase in accidents at work involving young people, as happened in 1989[88]. In Sweden, violations of the law concerning the minimum working age and other working conditions are penalised by a fine. The inspection office can also take out an injunction against an employer who contravenes the law; failure to comply can result in a fine or imprisonment of up to one year[89].

Central and Western Europe

All countries in this group have had an authority responsible for the monitoring of enforcement on national laws for a long time.

In **Austria** there seems to be active co-operation between municipal councils, labour inspectorates, local authorities and education authorities[90]. In Austria for violations of the protective provisions for adolescents, fines of between S 1.000 and S 15.000 are imposed on the employer for first offences. Should he repeat the offence, he will be charged between S 3.000 and S 30.000 or imprisoned for a period of from three days to six weeks. Employers who repeatedly violate the protective provisions will be officially banned from employing adolescents.

In every business where at least five adolescents are permanently employed, a youth spokesman is to be appointed, whose task it is to look after the social, health and cultural interests of the young people employed with the company.

Special protection is granted by the penal protection provision contained in the Penal Code to "younger" persons (up to the age of 18) who are cared for by a guardian of an employer: for the overworking of minors, younger persons and those in need of care, a two-year prison sentence can be imposed[91].

Belgium concentrates on prevention, and in particular in developing information and public awareness strategies; it published a booklet on child work[92]. Under the Belgian law every employer who employs children by contravening the protection provisions, as well as their parents or guardians who let them do it, are liable to fines or imprisonment[93].

An Advisory Council for Child labour has been set up so that, alongside representatives of workers and employers, a contribution can be made by representatives of psychologists and teachers[94].

France has the oldest labour inspectorate in Europe: it was established in 1892, originally to monitor child work[95]. Clearly one of

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88 COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 43.

89 RUXTON S., *Children in Europe*, op. cit., p. 474.

90 COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 42.

91 CRC/C/11/Add.14, 1997, §§ 500-501, 503.

92 MINISTERE DE L'EMPLOI ET DU TRAVAIL DE LA BELGIQUE, *Clés pour la réglementation du travail des enfants*, op. cit.

93 MINISTERE DE L'EMPLOI ET DU TRAVAIL DE LA BELGIQUE, *Clés pour la réglementation du travail des enfants*, op. cit., p. 21.

94 CRC/C/11/Add.4, 1994, § 454.

the most efficient methods of control is to make all work subject to authorisation. In France, this type of a priori control, is applicable in the advertising sector.

In **Germany**, compliance with the ban on child labour is decentralised and monitored by the supervisory authorities of the Länder. In the event of violations of the ban on child labour, these authorities can levy administrative fines of up to DM 20.000. In the case involving harm to the child, the Act Concerning the Protection of Minors at Work threatens imposition of fines and imprisonment[96].

Ireland gives importance to prevention, and published in 1997, after the signing of the new Act on Protection of Young Persons, a guide for employers and employees[97].

Complaints about the infringements of the abovementioned Act may be made in confidence to the Employment Rights Section, Department of Enterprises and Employment. A person guilty of an offence under the Act is liable, on summary conviction, to a fine of up to £1.500. Continuing contraventions can attract a fine of up to £250 per day[98].

In **Luxembourg** infringements of the existing rules and regulations concerning the working time can be liable to fines between 501 and 30.000 Francs. A new Act in 1975 increased the fines five-fold. The employers can be imprisoned for up to one month[99].

In the **Netherlands** as well as regular on-site inspections, particularly vulnerable sectors of industry are targeted for extra controls; this is the case of food and stimulants (tobacco, wine, etc.,) industry and in industrial enterprises in the summer, when temporary workers are employed[100].

In the **UK** children can only be employed if they have passed a medical examination: the local authority issues an employment card which the child must always carry while working and be able to show to any authorities entitled to carry out an inspection[101]. Penalties for the infringements of the law are usually fines of up to £1.000 although imprisonment is possible[102].

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[95] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 41.

[96] CRC/C/11/Add.5, 1994, § 113.

[97] DEPARTMENT OF ENTERPRISE AND EMPLOYMENT, *Protection of Young Persons (Employment) Act, 1996, Guide for Employers and Employees*, op. cit.

[98] DEPARTMENT OF ENTERPRISE AND EMPLOYMENT, *Protection of Young Persons (Employment) Act, 1996, Guide for Employers and Employees*, op. cit.

[99] RÉSEAU LUXEMBOURGEOIS DES CENTRES D'INFORMATION, DE RENCONTRE ET D'ANIMATION POUR JEUNES, *Jeunes: vos droits et devoirs*, Luxembourg, 1994, p. 343.

[100] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 41.

[101] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 41.

[102] RUXTON S., *Children in Europe*, op. cit., pp. 474-475.

Southern Europe

The countries of southern Europe are characterised by ancient supervisory institutions and detailed legislation but inadequate resources to deal with the significant and many-sided phenomenon of children at work.

In **Greece** the number of offences is rising and the labour inspectorates discovered nearly twice as many young people working illegally in 1992 as in 1990. These increases can, to a certain extent, be linked to the improvement of inspections and a higher detection rate. But it is clear that, at best, the labour inspectorate only has enough resources to respond to complaints and emergency cases. There are not enough a priori controls because of the lack of money. Offences are particularly common in the textile, hotel and construction industries. Although Greece is anxious to develop co-operation between the institutions which are responsible for controlling child work and is seeking the means to make it effective, it remains inadequate, if non-existent[103].

According to the Act of 1989 employers contravening it are subject to administrative and penal sanctions. Parents allowing their children to be employed against the provisions of the law can be liable to imprisonment. People who have previously been condemned for sexual abuse, sexual exploitation or drugs affairs, cannot employ children[104].

In **Italy** the Provincial Labour Inspectorates are responsible for monitoring the respect of the existing law. Other organisations, such as the regional health authorities, the social affairs inspectorate and the police, ensure that the rules and norms for the work environment are followed. Nevertheless, the situation shows a contrast between the law and reality: despite the large amount of strict, detailed legislation, it has not been possible to control the many-sided, widespread phenomenon of children working in the family business, on the street, the informal sector and in the underground economy. The institutions responsible for controlling it are not suited for dealing with this situation, which is more a matter for the police[105].

In **Portugal** the Decree-Law No. 396/91, which introduced a first increase of the penalties applicable in cases of illegal employment of minors, should be seen in the context of a strong trend in public opinion against child labour[106]. In Portugal the illegal work of children has been made a major objective for all workplace inspections[107].

Violations of the rules on children's age of access to work or the conditions under which such work is performed are subject to fines. Firms which employ children under the legal age limit are liable to a one year prohibition against concluding contracts with the State, local

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[103] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., pp. 44-45.

[104] See text of the Law 1837/89, Articles 16-18.

[105] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 45.

[106] CRC/C/3/Add.30, 1994, § 222.

[107] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 44.

governments or public or private institutions receiving social security subsidies, and a ban on bidding for community funds. A ministerial group on child labour has also been set up[108].

Spain has developed an effective form of supervision which distinguishes it from the other "major countries" of southern Europe. The work of the Spanish labour inspectorate concentrates on priority areas such as under-age work and the informal sector. Emphasis is given to health and safety conditions. The main problem lies in "street work", which the responsible provincial authorities are failing to control. The development of new sectors of child work, especially advertising, is also causing problems. In Spain, the labour inspectorate does not have the power to monitor any activities which lack the traditional relationship between employer and worker, as in the case of advertising[109].

Failure to comply with legal provisions incurs sanctions under the Law on Social Offences and Penalties, which declares infringements of the rules relating to the work of minors to be a very serious offence[110].

Table T - 3.5 sums up national legislation on education and protection of children at work.

[108] RUXTON S., *Children in Europe*, op. cit., p. 474.

[109] COUNCIL OF EUROPE, *Children and work in Europe*, op. cit., p. 45.

[110] RUXTON S., *Children in Europe*, op. cit., p. 474.

Table T - 3.5 Education and Labour Legislation Data for EU countries

Country	Compulsory education	Majority age	Year/s of the Act/s	Minimum ages for admission to Employment	Working hours and rest periods	Detection and penalties to ensure enforcement
Austria	6-15	19		*General minimum age*: 15 years. *Light work*: 12 years. *Dangerous/ hazardous work*: 16-18 years	Children aged 12: 2 hours a day. School time + working time may not exceed 7 hours a day. Night work is prohibited from 8 p.m. to 8 a.m. Adolescents 15-18: 8 hours a day. Weekly working time + vocational school may not exceed 40 hours. Daily rest period of 12 hours, comprised from 8 p.m. and 6 a.m. Annual vacation: 30 working days	Good co-operation among different authorities and inspectorates. Violations of the law are penalised by a fine the amount of which could vary from $1.000 to $30.000. Youth spokesman in businesses where at least 5 adolescents are permanently employed. Special protection for adolescents cared for by guardians
Belgium	6-18	18	*1971* *1993*	Minimum age for *part-time* work: 15-16 years Minimum age for *full-time* work: 18 years *Cultural field*: no minimum age	Children below 6 are allowed to work for a maximum of 4 hours per day. No night work between 7 p.m. and 8 a.m. Children aged 7-11: maximum of 6 hours per day. No night work between 10 p.m. and 8 a.m. Young workers under 18, when working more than 4½ hours daily, have to receive a rest period of half an hour. The working week should not exceed 5 days and the weekly rest has to be of 48 uninterrupted hours	Belgium is working on prevention: the Ministry of Employment published a booklet on child work and has set up an Advisory Council for Child Labour. The 1993 Act has made criminal sanctions more severe for all persons who have children working for them, and for their parents or guardians if the work is performed with their knowledge

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Country	Compulsory education	Majority age	Year/s of the Act/s	Minimum ages for admission to Employment	Working hours and rest periods	Detection and penalties to ensure enforcement
Denmark	7-15	18		*General minimum age*: 15 years *Hazardous Work*: higher (it depends on the different cases) *Light work*: 10 years *Cultural field*: no minimum age (with police permission)	The working hours of under 18 workers must not exceed those of adults employed in the same sector and in any case cannot exceed 10 hours. Young workers are entitled to have a minimum rest period of 12 hours every 24 hours. Night work is generally prohibited for all young workers from 8 p.m. to 6 a.m.	Trade unions conduct campaigns in the summer about the working conditions of children and young persons. Either people who engage children against the law and the person having custody will be liable to punishment
Finland	7-15	18	1994	*General minimum age*: 15 years or the completion of compulsory schooling. *Light work*: 14 years. Children under 13 cannot carry out any gainful activity. Hazardous work is restricted. *Cultural field*: no minimum age (with labour protection authorities permission)	Children under 15 cannot work more than 7 hours per day and 35 hours per week. Night work from 8 p.m. to 8 a.m. is restricted Daily rest period should be of 14 uninterrupted hours (12 for children aged 15-17) and weekly rest of 38 uninterrupted hours. Overtime is prohibited for those under 15	Records of working children's details are kept and updated. A fine can be imposed on an employer who violates the provision of the law.
France	6-16	18	1963 1990	*General minimum age*: 16 years. During school vacations children under 14 can carry out light work. *Cultural field*: no minimum age (conditional to authorisation by the administration)	Adolescents under 18 are not allowed to work more than 39 hours per week. Night work is prohibited between 10 p.m. and 6 a.m.	Labour Inspectorate to monitor child work

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Country	Compulsory education	Majority age	Year/s of the Act/s	Minimum ages for admission to Employment	Working hours and rest periods	Detection and penalties to ensure enforcement
Germany	6-18	18	1976 1986	*General minimum age*: 15 years. *Light work*: 13 years (need of parental consent). *Cultural field*: no minimum age (conditional to authorisation by the supervisory authority and to the consent of the parents)	Children over 15 may work for up to four weeks during school vacations	The supervisory authorities of the Länder monitor compliance with the ban on child labour. In the event of violations, administrative fines of up to DM 20.000 can be levied. In cases involving harm to the child the penalty could imply imposition of fines and imprisonment
Greece	6-15	18	1989	*General minimum age*: 15 years. *Cultural field*: no minimum age (conditional to authorisation by the Labour Inspectorate)	Young workers under 16 cannot work more than 6 hours per day and 30 hours per week. Daily rest period: minimum of 12 hours. Children working in the cultural sector aged between 3 and 15 are allowed to work from 2 to 5 hours a day. Night work forbidden from 10 p.m. to 6 a.m.	Inspectorate of Labour responsible for monitoring. Administrative and penal sanctions to employers and parents. Previous sexual abusers and offenders cannot employ children
Ireland	6-15	18	1977 1996	*General minimum age*: 16 years. *Light work*: 14 years (only during school holidays. *Cultural field*: no minimum age (activities under licence). Any employment of children under 16 requires written permission from the parents or the guardians	A child of 14 years may work only outside the school term for not more than seven hours a day or 35 hours a week; provided that the child has at least 21 days off during the summer holidays. A child of 15 years may be employed to do light work during the school term for not more than eight hours a week. A child over the age of 14 who is a full-time student may work up to eight hours a day or 40 hours a week. Night work is prohibited from 8 p.m. to 8 a.m. for children and from 10 p.m. to 6 a.m. for young people	Ireland focuses on prevention: publication of a guide for Employers and Employees. Any conviction may carry a fine of not more than £1.500. Continuing offences carry a penalty of no more than £250 for every day of an on-going contravention of the law

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Country	Compulsory education	Majority age	Year/s of the Act/s	Minimum ages for admission to Employment	Working hours and rest periods	Detection and penalties to ensure enforcement
Italy	6-14	18	1967	*General minimum age*: 15 years. *Light work*: 14 years. *Difficult/ unhealthy work*: 16 years. *Hazardous work*: 18 years. *Cultural field*: no minimum age (authorisation by the provincial labour inspectorate, approval of the prefect and agreement of the parents)	Maximum work schedule of 35 hours per week and 7 hours per day for children and 40 hours per week and 8 hours per day for adolescents. Annual paid leave of not less than 30 days for children under 16 years and 20 days for minors under 18 years of age. Night work is prohibited between 10 p.m. and 6 a.m. for minors up to the age of 16; between 10 p.m. to 5 a.m. for minors over the age of 16 years	Through its local bodies (provincial labour inspectorates) the Ministry of Labour exercises supervision over work by minors
Luxembourg	6-15	18	1969	*General minimum age*: 15 years. *Dangerous/ hazardous work*: 18 years	The duration of work must not exceed 40 hours a week. Night work is prohibited between 8 p.m. and 5 a.m.	Fines of up to 150.000 Francs. Imprisonment for up to one month
Netherlands	6-15	18	1914 1919 1933	*General minimum age*: 16 years, or the year a child completes his/her twelfth year of compulsory school. Possible exceptions for *light work*	Children may work in shops and sell newspapers on Saturday. Overtime authorised under certain conditions. Annual leave: 20 days. Night work prohibited between 6 p.m. and 7 a.m.	Intensive inspections in the food and stimulants industries during the summer
Portugal	6-15	18	1988 1989 (Cost.) 1991	*General minimum age*: 15 years and 16 years for children who have not completed the nine years of compulsory schooling. *Light work*: 14 years	14 year olds: 7 hours per day and 35 hours per week. It has to imply a rest of one hour every 4 consecutive working hours. Night work is prohibited from 8 p.m. to 7 a.m. Minimum weekly rest: 2 days	Violations are subject to fines. Firms which employ children under the legal age limit are liable to a one year prohibition against concluding contracts with the State, local governments or public or private institutions receiving social security subsidies

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Country	Compulsory education	Majority age	Year/s of the Act/s	Minimum ages for admission to Employment	Working hours and rest periods	Detection and penalties to ensure enforcement
Spain	6-15	18	1957	*General minimum age*: 16 years. *Cultural field*: the labour authority can set derogations	Night work is prohibited for children under 18 years of age	The labour inspectorate is responsible for monitoring the enforcement of the law. Priority areas are under-age work and the informal sector
Sweden	7-15	18		*General minimum age*: 16 years or the completion of compulsory schooling. *Light work*: 13 years	Detailed regulations for the number of working hours authorised for different age groups	Trade Unions visits to the workplaces. Regulations spread out. Violations of the law are penalised by a fine. The inspection office can also take out an injunction against an employer who contravenes the law; failure to comply can result in a fine or imprisonment of up to one year
United Kingdom	5-16	18	1933 1944	*General minimum age*: 16 years Employment of children below this age is legal but their employment must be registered with the local authority. No child can work under the age of 13	13 year olds can work outside school terms between 7 a.m. and 7 p.m., or for not more than two hours, or on Sundays. 15 year olds: 4 hours a day or 24 hours a week. Children aged 15-16: 8 hours a day for a maximum of 35 hours weekly. Rest periods: children under 15 must have a break of one hour after two hours continuous work; between 15 and 16: one hour after 5 hours continuous work	Penalties are usually fines (up to a maximum of £ 1.000) although imprisonment is possible

Sources: RUXTON S., *Children in Europe*, op. cit., pp. 463-474, COUNCIL OF EUROPE, *Children and Work in Europe*, op. cit., pp. 34-41, National Reports to the Committee on the Rights of the Child, COUNCIL OF EUROPE, SOCIAL, HEALTH AND FAMILY AFFAIRS COMMITTEE, *Report on Child labour: giving priority to combating most unacceptable practices*, op. cit., pp. 11-12 and COUNCIL OF EUROPE, STEERING COMMITTEE ON SOCIAL POLICY - CHILDHOOD POLICIES PROJECT, *Ages at which children are legally entitled to carry out a series of acts in Council of Europe member countries*, Document: CDPS III.8 Obs (96) 1.

Chapter 4
Case studies in Europe

SUMMARY: **4.1** United Kingdom: child work and child participation - **4.2** Greece and Italy: child work and ethnical minorities - **4.3** Portugal: street children in a European country

4.1 UNITED KINGDOM: CHILD WORK AND CHILD PARTICIPATION[1]

We have already seen in the previous chapter that legislation on the protection of working children in the UK is not one of the most updated and one can even argue that compliance with the international provisions would require the issuing of new comprehensive rules and regulations. The UK treats employed adolescents over 16 as young people and therefore protective legislation is considered unnecessary and inappropriate[2].

Particularly, it is important to be aware that those issues which specifically affect children below the minimum school leaving age (MSLA) who are employed are not covered by the reservation the UK Government made by ratifying the CRC; the UK is therefore committed to comply with the Convention standards in their employment[3].

When the 1933 Children and Young Persons Act was introduced, the differential between the minimum school leaving age and the age at which employment was allowed was very narrow. There was therefore a much clearer distinction introduced between work and education. Once people were free to leave school, they were free to work subject to certain constraints on hours and types of work. Since that time, the minimum school leaving age has been raised to 16 thus introducing a three year period in children's lives when they are able to combine full-time education with part-time work[4].

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[1] For this case study we will mainly refer to the findings of studies and surveys by Sandy Hobbes, MA, Sandra Lindsay, BA, Jim McKechnie, PhD, Department of Applied Social Studies, University of Paisley, Paisley, Scotland and Michael Lavalette, PhD., Department of Public Policy, University of Central Lancashire, Preston, England.

[2] CHILDREN'S RIGHTS DEVELOPMENT UNIT, *Briefing on Child Employment*, op. cit., p. 4.

[3] For the UK reservation to the CRC see above § 3.1.

[4] CHILDREN'S RIGHTS DEVELOPMENT UNIT, *Briefing on Child Employment*, op. cit., p. 7.

In the last decade there have been further changes in education legislation, with the development of the National Curriculum and the emphases on further and continuing education, or entrance to employment through training schemes. Employment legislation for children under 16, on the other hand, has stood still and exposes some key questions relating to the status of children in the labour market and consequent on that status, the nature of protective legislation needed[5].

The 1973 Employment of Children Act was introduced to standardise safeguards in by-laws and strengthen enforcement powers of local authorities in the regulation of the employment of those under the minimum school leaving age. However, it has never been implemented. In the absence of that legislation, the existing protection relies - as previously said - on the 1933 Children and Young Persons Act which empowers local authorities to introduce protective by-laws but imposes no duties. In consequence, the level of regulation afforded to children in employment is inconsistent and often inadequate[6].

According to a large number of studies carried out since the late 80s, it would appear that there are many children below the MSLA in part-time employment.

Extent and character of child work

Child employment has for a long time been a neglected topic in the UK (but not only there). Two related possibilities may be put forward to explain this: child employment is considered a thing of the past; as such the phenomenon of working children is not visible and therefore it does not become a field of research. The topic remain a non-topic[7].

Over the last few years, a small body of evidence which used a consistent methodology and has adhered to the definition of employment as paid employment outside the family[8], has allowed to provide quite a reliable picture of child employment in the United Kingdom.

Focusing on children around 14 and 15 years of age, studies have shown that, at the time of answering, between 35 and 50 per

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[5] *Ibidem*.

[6] CHILDREN'S RIGHTS DEVELOPMENT UNIT, *Briefing on Child Employment*, op. cit., p. 8.

[7] MCKECHNIE J., LINDSAY S. AND HOBBS S., "Child employment: a neglected topic?", in *The Psychologist*, May 1996, p. 220.

[8] We have already seen in chapter 1 how wide the definition of child employment could be and what different situations they could cover. It goes without saying that if different studies use different definitions, results and findings become non-comparable. For the case of the UK the small studies on the extent of child employment are considered to be of limited value because of unsatisfactory methodologies and definitions of employment. For more details and comparison see LAVALETTE M., HOBBS S., LINDSAY S. AND MCKECHNIE J., "Child employment in Britain: Policy, myth and reality", in *Youth and Policy*, 47, Winter 1995, 1-15.

cent of children were currently employed[9]. Some regional variations were found in the number of children who were employed, which may partly reflect local economic factors. Since children move in and out of work it is important to discover not only whether they have a current job, but also whether they have worked in the past. When this last figure is included in the results, almost 70 per cent of school pupils have had a job at some time[10].

These findings allow to argue that **part-time employment is not a minority experience for pre-16-year-olds, rather it should be viewed as the norm**.

Table T - 4.1 shows the results from a study by McKechnie, Lindsay, Hobbs and Lavalette[11], in which 1.220 students, 12-16 years of age, in two comparable schools in England and Scotland, completed questionnaires on their employment. The students were split into four age groups - first school years which include 12-13 years of age through fourth years which include 15-16 year-olds. On the basis of their responses to the questionnaire, they were classified as current workers, former workers, and never worked.

Table T - 4.1: Employment status of pupils: total sample (%)

School year	Current	Former	Never
1	20,2	7,9	71,8
2	34,1	17,1	48,3
3	44,6	19,7	35,7
4	40,7	25,0	34,3
Total	**34,2**	**17,0**	**48,8**

Source: MCKECHNIE J., LINDSAY S., HOBBS S. AND LAVALETTE M., "Adolescents' perceptions of the role of part-time work", in *Adolescence*, op. cit., p. 197.

From table T 4.1 it can be seen that a substantial number of adolescents have had part-time work while still under the minimum school leaving age in Britain. Further, it appears that the older students are more likely to have worked[12].

It is interesting to disaggregate the data and look at the level of employment within each school (see tables T - 4.2 and T - 4.3). There were significantly higher levels of employment experience year by year in School B than in school A. This may reflect the fact that at

[9] MCKECHNIE J., LINDSAY S. AND HOBBS S., "Child employment: a neglected topic?", in *The Psychologist*, op. cit., p. 220.

[10] *Ibidem*.

[11] MCKECHNIE J., LINDSAY S., HOBBS S. AND LAVALETTE M., "Adolescents' perceptions of the role of part-time work", in *Adolescence*, Vol. 31, No, 121, Spring 1996.

[12] MCKECHNIE J., LINDSAY S., HOBBS S. AND LAVALETTE M., "Adolescents' perceptions of the role of part-time work", in *Adolescence*, op. cit., p. 196.

each year the mean age of students was about half a year older than in School B. Within each school, year by year differences in employment experience were found to be significant, older children being less likely to have never worked. But this is not an entirely continuing increase. The peak levels of current employment were found among the third-year students (34% in School A and 52% in School B). Employment levels drop slightly in the fourth year, with this year having the highest percentage of former workers (31,8% in School A and 20,5% in School B)[13].

Table T - 4.2: Employment status of pupils: School A (%)

School year	Current	Former	Never
1	10,5	6,6	82,9
2	25,2	20,6	54,2
3	34,1	20,3	45,5
4	30,8	31,8	37,4
Total	**24,2**	**18,7**	**57,1**

Source: MCKECHNIE J., LINDSAY S., HOBBS S. AND LAVALETTE M., "Adolescents' perceptions of the role of part-time work", in *Adolescence*, op, cit., p. 197.

Table T - 4.3: Employment status of pupils: School B (%)

School year	Current	Former	Never
1	28,0	9,0	63,0
2	40,3	15,6	44,1
3	52,0	19,3	28,7
4	47,2	20,5	32,3
Total	**41,4**	**15,8**	**42,7**

Source: MCKECHNIE J., LINDSAY S., HOBBS S. AND LAVALETTE M., "Adolescents' perceptions of the role of part-time work", in *Adolescence*, op, cit., p. 197.

Table T - 4.4 indicates the range of jobs; there were significant differences between the schools. Whereas delivery work (predominantly newspapers and milk) was common in both schools (57% in School A and 44% in School B), hawking (e.g., selling goods from door to door) was found only in School A. Shopwork and waiting were more common in School B. Such variations presumably reflect differences in local economic circumstances, and perhaps in local

[13] It should be noted that at the end of the fourth year, British school students take their first formal examination. Thus, the pattern of employment may reflect this. See MCKECHNIE J., LINDSAY S., HOBBS S. AND LAVALETTE M., "Adolescents' perceptions of the role of part-time work", in *Adolescence*, op. cit., p. 196.

customs[14]. It would have been very useful to know the location of the two schools so as to derive some considerations on the differences between North and South of the country.

Table T - 4.4: Form of employment (%)

	Delivery	Hawking	Shopwork	Babysitting	Waiting	Hotel and catering work	Other
School A	57	18	7	9	2	-	6
School B	44	-	17	13	12	2	12

Source: MCKECHNIE J., LINDSAY S., HOBBS S. AND LAVALETTE M., "Adolescents' perceptions of the role of part-time work", in *Adolescence*, op, cit., p. 197.

Much common sense and academic literature is written in terms of the perceived existence of a North-South divide in Britain. At its most general level the North-South divide thesis located regional inequalities in levels of employment, deprivation, poverty, house prices and prosperity. Yet it has become increasingly clear that the thesis cannot be applied in any simplicistic manner. Generally, throughout Britain it is in the inner-city areas, peripheral housing estates and run-down older industrial towns where unemployment and poverty are most severe[15]. Thus, in terms of child labour, both inter- and intra-regional comparisons are necessary to command a full picture of its form.

For this purpose we can use, even if a little bit old, the Clydeside study which offers a relevant intra-regional comparison[16]. The results were remarkably similar with approximately one in three children working at the time when the survey was carried out. If these results are compared with the Low Pay Unit's work in London, to provide an inter-regional comparison, then again the results are found to be remarkably similar[17]. Evidence from other studies again suggests that a similar proportion of children regularly work across Britain. The numbers found in each study are presented in table T - 4.5[18].

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[14] MCKECHNIE J., LINDSAY S., HOBBS S. AND LAVALETTE M., "Adolescents' perceptions of the role of part-time work", in *Adolescence*, op. cit., pp. 197-198.

[15] HOBBS S., LAVALETTE M. AND MCKECHNIE J., "The emerging problem of child labour", in *Critical Social Policy*, Issue 34, Summer 1992, p. 96.

[16] LAVALETTE M, MCKECHNIE J AND HOBBS S., *The Forgotten Workforce: Scottish Children at Work*, Glasgow, Scottish Low Pay Unit, 1991.

[17] MACLENNAN E., *Child Labour in London*, London, Low pay Unit, 1982, cited in HOBBS S., LAVALETTE M. AND MCKECHNIE J., "The emerging problem of child labour", in *Critical Social Policy*, op. cit., p. 96.

[18] The figures in table T - 4.5 are not strictly comparable because of the different definitions of employment: children working for parents are sometimes excluded from the data.

Table T - 4.5: Percentage of working children in some regions of the UK according to different studies

Year	Author	Region	% of working children
1972	Davies[19]	England/Wales	33
1982	MacLennan[20]	London	35
1985	MacLennan et al[21]	Luton/Bedford	48
1991	Lavalette et al[22]	Clydeside	35
1991	Pond and Searle[23]	Birmingham	43 (31,5)*

* Pond and Searle included in their estimate of working children those who had worked in their previous summer holidays. Those who were actually working when the survey was carried out - the strictly comparable figure - were only 31,5% of the sample.

Source: HOBBS S., LAVALETTE M. AND MCKECHNIE J., "The emerging problem of child labour", in *Critical Social Policy*, op. cit., p. 96.

Conditions of employment

Three aspects of child employment should be given consideration: the fact that children so often work illegally, that they are usually poorly paid, and that in some jobs their health and safety are at risk.

Pond and Searle[24] estimated that in their Birmingham study 74 per cent of the children working were doing so illegally. The Lavalette et al study on Clydeside[25] found an even higher rate, 92 per cent. Illegality can arise not only from the hours worked and the type of job but also from a failure to obtain a work permit as required by local by-laws, this last being a particularly common problem. Only about 10 % of child workers actually have their work permit[26].

Under the current British law children aged 13-16 are allowed to work for up to two hours a day provided it is not during school hours

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[19] DAVIES E., "Work out of school: The Emrys Davies report", in *Education*, Vol. 10, 1972 cited in HOBBS S., LAVALETTE M. AND MCKECHNIE J., "The emerging problem of child labour", in *Critical Social Policy*, op. cit., p. 96.

[20] See footnote 17.

[21] MACLENNAN E., FITZ J. AND SULLIVAN J., *Working children*, London, Low Pay Unit, 1985, cited in HOBBS S., LAVALETTE M. AND MCKECHNIE J., "The emerging problem of child labour", in *Critical Social Policy*, op. cit., p. 96.

[22] See footnote 16.

[23] POND C. AND SEARLE A., *The Hidden Army: Children at work in the 1990's*, London, Low Pay Unit, 1991, cited in HOBBS S., LAVALETTE M. AND MCKECHNIE J., "The emerging problem of child labour", in *Critical Social Policy*, op. cit., p. 96.

[24] POND C. AND SEARLE A., *The Hidden Army: Children at work in the 1990's*, London, Low Pay Unit, 1991, cited in HOBBS S., LAVALETTE M. AND MCKECHNIE J., "The emerging problem of child labour", in *Critical Social Policy*, op. cit., p. 99.

[25] LAVALETTE M, MCKECHNIE J AND HOBBS S., *The Forgotten Workforce: Scottish Children at Work*, Glasgow, op. cit.

[26] MCKECHNIE J., LINDSAY S. AND HOBBS S., "Child employment: a neglected topic?", in *The Psychologist*, op. cit., p. 220.

and is not before 7 a.m. or after 7 p.m.[27] McKechnie et al[28] findings seem to demonstrate that the maximum allowed working time per week has been respected. Nevertheless, it is reported that 20 percent of schoolchildren work more than 10 hours per week[29]. The mean number of hours worked in School A was 5 per week, while at School B the average number of hours per week was 7,5. Within schools variations in the number of hours worked were also found, indicating that the number of hours worked varied from year to year. Broadly speaking, older school students tend to work slightly longer hours on average but the trend is by no means straightforward[30], as can be seen in table T - 4.6.

Table T - 4.6: Mean number of hours worked per week

School year	School A	School B	Both
1	4,9	7,3	6,8
2	4,0	5,0	4,7
3	4,3	9,3	7,7
4	6,9	7,8	7,5

Source: MCKECHNIE J., LINDSAY S., HOBBS S. AND LAVALETTE M., "Adolescents' perceptions of the role of part-time work", in *Adolescence*, op. cit., p. 198.

Of particular interest, because of the possible impact on education, are the children who start their jobs around 4 a.m. and work several hours before going to school. 30 percent of child workers report having worked before 7 a.m.[31].

As far as wages are concerned the Birmingham study found that 40 percent of children earned £1,50 per hour or less; even more did so in Clydeside. However, there is considerable variation. A minority in both areas earn over £2,50 per hour[32].

In the Birmingham study, 35 percent of the working children reported having had an accident at work. Some of these were fairly small, of course, but some were more serious. The figures for Clydeside were rather lower, but it should be noted with respect to

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[27] See above § 3.2.

[28] MCKECHNIE J., LINDSAY S., HOBBS S. AND LAVALETTE M., "Adolescents' perceptions of the role of part-time work", in *Adolescence*, op. cit.

[29] MCKECHNIE J., LINDSAY S. AND HOBBS S., "Child employment: a neglected topic?", in *The Psychologist*, op. cit., p. 220.

[30] MCKECHNIE J., LINDSAY S., HOBBS S. AND LAVALETTE M., "Adolescents' perceptions of the role of part-time work", in *Adolescence*, op. cit., p. 198.

[31] MCKECHNIE J., LINDSAY S. AND HOBBS S., "Child employment: a neglected topic?", in *The Psychologist*, op. cit., p. 220.

[32] HOBBS S., LAVALETTE M. AND MCKECHNIE J., "The emerging problem of child labour", in *Critical Social Policy*, op. cit., p. 99. The reported salaries date back to 1991 and should be updated to be comparable to actual standard of life in the UK.

both studies that there was no way of checking for forgotten, and hence unreported, incidents[33].

Costs and benefits

One of the most common assumptions concerning the working child is that working life precludes and supplants education: a working child is thought to be a non-school going child. Apart from the implications of work for physical growth and healthy well-being, the gravest disadvantages of employment are normally associated with the lose of schooling[34].

Some American researchers suggest that work has a negative effect on education whether assessed by grades attained, by level of commitment to education, or by the level of involvement in school[35]. Some other studies suggest that relationships between school and work are more complex. For example it is argued that one of the most potent effects of work is that it reduces the aspirations of children in academic and occupational spheres. Those adolescents with part-time work, while at school may reap short-term advantage in that they earn more in the initial period after school, but their careers 'ceiling out' at an earlier stage. One of the explanations proposed for the possible impact of work on academic performance is that work places demands on the time of the children involved, limiting the time available for homework, study, and involvement in extra-curricular activities[36].

Child employment may have also some effects on family and peer relations. It was demonstrated that part-time employment leads to less time spent with the family. Of the time available outside school and work there is a preference to spend it with one's peers. Even here the time demands are felt. Working adolescents often complain about missing out on events both in and out of school that their peers attended[37].

Employment can also produce 'occupational cynicism': this manifests itself in negative attitudes toward work (e.g. only do what is required) and a materialistic emphasis where the monetary reward is the prime concern[38].

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[33] HOBBS S., LAVALETTE M. AND MCKECHNIE J., "The emerging problem of child labour", in *Critical Social Policy*, op. cit., p. 99.

[34] CHILDWATCH INTERNATIONAL AND THE NORWEGIAN CENTRE FOR CHILD RESEARCH, *A report on the child labour section*, op. cit., p. 16.

[35] GREENBERGER E. AND STEINBERG L., *When Teenagers Work: The Psychological and Social Costs of Adolescent Employment*, New York, Basic Books, 1986, cited in HOBBS S., LAVALETTE M. AND MCKECHNIE J., "The emerging problem of child labour", in *Critical Social Policy*, op. cit., p. 102.

[36] HOBBS S., LAVALETTE M. AND MCKECHNIE J., "The emerging problem of child labour", in *Critical Social Policy*, op. cit., p. 102.

[37] *Ibidem*.

[38] *Ibidem*.

On the other hand some researchers argue that part-time work by children develops knowledge and attitudes helpful in adult employment: for adolescents part-time employment can act as a source of information which assists them in career decisions[39], it may lead to the development of a variety of positive interpretations of the work ethic and provides the adolescent with social experiences outside of the home[40]. Such a contact may lead adolescents to a greater understanding of social relations between people and greater sensitivity to the moods and views of others[41]. Studies have shown, as well a link between working and the development of self-reliance, personal responsibility.

According to Green, if one listens to the voice of the employed adolescent a more positive picture of child employment emerges. Green presents evidence from interviews that child workers enjoy and benefit from their employment[42]. Educational life and working life can be compatible, even in a society where the school day is relatively long and homework demanding. Studies show evidence that those children who worked for five hours a week had better school attendance and better examination grades than those who had never worked; of course, those working for 10 hours a week did not fare so well[43].

The study carried out by McKechnie, Lindsay, Hobbs and Lavalette[44] is an attempt to explore the experience of children employed in the UK and to grasp their perceptions of the role of part-time work. We will report here the main findings following their structure of work.

Role in the workplace: *adolescents' level of responsibility*. 46 percent of the interviewed children had jobs which required them to handle money, and in some cases they had to keep accounts (e.g. in hawking).

Forty-three per cent of the students indicated that they had the authority to issue instructions to others, however only 23 per cent

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39 VANGELISTI A.L., "Adolescent socialisation into the workplace", in *Youth and Society*, Vol. 19, 1988, cited in HOBBS S., LAVALETTE M. AND MCKECHNIE J., "The emerging problem of child labour", in *Critical Social Policy*, op. cit., p. 101.

40 GREEN D.L., "High School student employment in social context: Adolescents perceptions of the role of part-time work", in *Adolescence*, Vol. 15, 1990 cited in HOBBS S., LAVALETTE M. AND MCKECHNIE J., "The emerging problem of child labour", in *Critical Social Policy*, op. cit.

41 STEINBERG L., GREENBERGER E., JACOBI M AND GARDUQUE L., "Early work experience: Effects on adolescents' occupational socialisation", in *Youth and Society*, Vol. 12, 1981, cited in HOBBS S., LAVALETTE M. AND MCKECHNIE J., "The emerging problem of child labour", in *Critical Social Policy*, op. cit., p. 101.

42 GREEN D.L., "High School student employment in social context: Adolescents perceptions of the role of part-time work", in *Adolescence*, op. cit., cited in MCKECHNIE J., LINDSAY S. AND HOBBS S., "Child employment: a neglected topic?", in *The Psychologist*, op. cit., p. 221.

43 CHILDWATCH INTERNATIONAL AND THE NORWEGIAN CENTRE FOR CHILD RESEARCH, *A report on the child labour section*, op. cit., p. 16.

44 MCKECHNIE J., LINDSAY S., HOBBS S. AND LAVALETTE M., "Adolescents' perceptions of the role of part-time work", in *Adolescence*, op. cit.

claim that they can take decisions (e.g. ordering of supplies). As a consequence, students reported to have little power to influence their work: 55 per cent of those interviewed indicated that there were aspects of their work that they would like to change. Only 9 per cent suggested that they could actually try to bring about these changes.

Most of the adolescents interviewed experienced a fairly trouble-free work environment, but a sizeable minority (27%) did report difficulties. In one case the problem was sexual harassment, which resulted in a female student leaving her job[45].

Co-workers: Adults and Peers. Findings show a big difference between School A where 61 per cent of children either had no or minimal contact with adults and School B where the majority of children worked alongside adults (73%). In School A possible contact with peers while working concerned 52 per cent of cases and in School B 76 per cent. The reason could be seen in the difference between the schools as far as jobs performed were concerned[46].

Value and Implications of Employment. It was found that the majority of part-time workers do not perceive their employment as something which affected either their punctuality or attendance at school. However 36 per cent did feel that at times working had resulted in their feeling tired, which in turn had an impact on school. 30% felt that their employment reduced their time for homework.

As far as the long-term value of their work, 54 per cent - the majority - felt that current or recent work experience would be of benefit for their future career as adults: they would gain more confidence and experience to claim. Nevertheless a comparable number of students saw no long-term value of their present employment.

When asked whether their current jobs would make them better at their future jobs, half of them said it would[47].

The data presented in the abovementioned study clearly support the view that part-time employment must be considered a natural part of adolescent experience in Britain[48].

It is also clear that there is a need for moving away from the oversimplified notion that work is definitively either "good" or "bad" for children. Instead of being gauged against laws and regulations, the implications of a given working situation have to be measured against a model of child development. This model will need to vary

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[45] MCKECHNIE J., LINDSAY S., HOBBS S. AND LAVALETTE M., "Adolescents' perceptions of the role of part-time work", in *Adolescence*, op. cit., pp. 198-199.

[46] MCKECHNIE J., LINDSAY S., HOBBS S. AND LAVALETTE M., "Adolescents' perceptions of the role of part-time work", in *Adolescence*, op. cit., p. 199.

[47] MCKECHNIE J., LINDSAY S., HOBBS S. AND LAVALETTE M., "Adolescents' perceptions of the role of part-time work", in *Adolescence*, op. cit., pp. 199-200.

[48] MCKECHNIE J., LINDSAY S., HOBBS S. AND LAVALETTE M., "Adolescents' perceptions of the role of part-time work", in *Adolescence*, op. cit., p. 200.

according to cultural norms in a given social environment; but certain universal precepts can be applied. Such an approach suggests an assessment of the ways in which different kinds of work will benefit or harm the passage through childhood, at different ages and stages of development[49].

This preserves a precious place to children's participation within the workplace. It is not always possible, or even desirable, to prevent children from working. Nevertheless, in most working situations of children they have no say over the conditions of their work. A great deal can be done to improve these children's lives by giving them a voice[50].

4.2 GREECE AND ITALY: CHILD WORK AND ETHNICAL MINORITIES

The situation of child labour in **Greece**[51] has not attracted the attention of qualified organisations (governmental of non) to the expected point. This is well proved by the lack of data (official or not) concerning child work issues. Although the Greek legislation on child employment has improved and adjusted to the Convention on the Rights of the Child, due to lack of monitoring mechanisms there have been difficulties in enforcing this legislation.

According to the official statistics and NOW's own estimations, the majority of working children in Greece do not carry out forced labour, considering the fact that traditionally they engage themselves in family activities (family business, agricultural activities). However, the phenomenon of "children in the street - traffic lights children" should be mentioned: the majority of these children come from particular population groups and carry out forms of forced labour (Roma children, illegal minors from Albania and the new European

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[49] CHILDWATCH INTERNATIONAL AND THE NORWEGIAN CENTRE FOR CHILD RESEARCH, *A report on the child labour section*, op. cit., p. 16.

[50] HART R., "Children's Right to Participate", in *Understanding Children's Rights*, Ghent's Paper on Children's Rights, No. 2, 1997, p. 234.

[51] The part of this paragraph related to Greece is based on the precious and comprehensive work of the National Welfare Organisation (NWO), one of EFCW's Greek members. NWO is perhaps the biggest social welfare agency in Greece, providing services in 32 prefectures, in about 380 villages and in 45 urban areas. NWO had not been engaged in projects dealing with the situation of child labour, neither had it done any research. However, as a child welfare organisation, it is part of the responsibilities of NOW to provide children at risk with shelter, food and free education, in order to indirectly protect and prevent children from engaging in work that constitutes a threat to their rights, according to Article 32 of the CRC, and the National Greek legislation. Therefore, two social work students who were doing their internship at NWO - Olga Verikaki and Kathreen Gargaletsiou - took the responsibility to run the research project, to collect the relevant legislation and material, to contact national experts on child labour issues, gather information to answer to the questionnaire. Data collected come from existent official, as well as non-official sources and from professionals who work in direct contact with working children. EFCW is thankful to NWO and its staff for the in-depth work carried out.

democracies). The problem of child exploitation in prostitution is a serious problem as well.

Table T - 4.7: Working children (age 14-19) by field in Greece in 1996

Economic Activities*	Girls 14	Girls 15-19	Boys 14	Boys 15-19	Young people 14	Young people 15-19
Agriculture, hunting and forestry	600	7.396	1.145	11.132	1.745	18.528
Fishing	-	107	-	522	-	629
Mining and quarrying	-	-	-	32	-	32
Manufacturing	75	4.351	761	6.520	836	10.871
Electricity, gas and water supply	-	-	-	33	-	33
Construction	-	189	209	6.486	209	6.675
Wholesale and retail trade; repair of motor vehicles, motorcycles and personal household goods	-	6.948	512	9.206	512	16.154
Hotels and restaurants	-	2.702	181	3.925	181	6.627
Transport, storage and communication	-	706	-	1.225	-	1.931
Financial intermediation	-	285	-	150	-	435
Real estate, renting and business activities	-	874	-	359	-	1.233
Public administration and defence; compulsory social security	-	434	-	688	-	1.122
Education	-	183	-	-	-	183
Health and social work	-	264	-	-	-	264
Other community, social and personal service activities	59	2.638	97	673	156	3.311
Private households with employed persons	-	581	-	99	-	680
Extra-territorial organisations and bodies	-	-	-	-	-	-
Total	**734**	**27.658**	**2.905**	**41.050**	**3.639**	**68.708**

* International Standard Industrial Classification of all economic activities

Source: National Statistic Service of Greece

Findings of the NWO survey revealed the presence of child workers in different fields, and particularly in agriculture, domestic work, manufacturing industries, markets and retails, street services.

The domestic work is generally unpaid and children younger than 10 can be found working there. The majority of them are girls[52]. On the other hand it is mainly boys who work in markets and retails and they could be as young as 11 years.

Table T - 4.7 reports official national data on working children in Greece per different fields.

Official data show that the main activities which children perform, include agriculture - where 18.528 young people worked, of which 1.745 were fourteen year olds - manufacturing with 10.871 young people employed (836 aged 14 years) - wholesale and retail trade with 16.154 young workers (512 aged 14 years). Other important sectors are construction, hotels and restaurants.

Official data only reflect numbers of young people legally employed and registered with the competent public authority. This means that child employment could be underestimated due to illegal employment, the under-age employment, the unpaid domestic work and the situations of temporary/seasonal work.

Thanks to another source - National Foundation for Social Security - we can make for the same year a breakdown of the construction sector as table T - 4.8 shows. The data reflect completely different figures and this might be due to the different definition of the construction sector.

Table T - 4.8: Breakdown of the construction sector by ages, 1996

	Construction workers			Working days		
Age	**Male**	**Female**	**Total**	**Male**	**Female**	**Average working days per person**
18	1.326	2	1.328	90.308	176	74,1
17	705	0	705	48.818	0	69,2
16	277	0	277	16.999	0	61.4
15	66	0	66	3.239	0	49.1
14	4	0	4	166	0	41.5
13	2	0	2	80	0	40.0
Total	**2.380**	**2**	**2.382**	**159.610**	**176**	**67.1**

Source: National Foundation for Social Security, elaboration of data by author

In the construction sector the number of employed children and young persons rises with the age as well as the average of days worked in the year. According to these data, in 1996 in Greece 70 children under the age of 15 were employed in the construction sector.

[52] Same data are reported in chapter 1, § 1.6.

Findings of a research carried out by a Pedagogical Institute[53] reveal that the construction sector employs around 27% of working adolescents and young people (aged 12-21), followed by the agricultural and food production sector (16,3%) and car jobs (12,1%).

The majority of working children belong to lower and poorer classes, i.e. workers, farmers, unemployed, socially excluded or at risk of social exclusion. However, it is estimated that the percentages are much higher amongst the Roma, migrants, refugees and members of the religion minority - Moslem minority of Western Thrace.

As a matter of fact, in Greece the presence of Roma children is often reported. According to NWO findings they perform activities in violation of Article 32 of the Convention on the Rights of the Child, activities that can be considered forms of forced labour: domestic work, markets and retails. Furthermore, street children carry out particular forms of forced labour in the streets. This is a current phenomenon in big cities, e.g. Athens, Thessaloniki, Heraklion, Patras, etc., and it is estimated that a great percentage of these children are again Roma children or illegal migrants from Albania and the new East European democracies.

According to the National Welfare Organisation, the main reasons for child work in Greece include an insufficient inspection by ministries and relevant public bodies who should monitor the enforcement of national law, poor households and family tradition. According to Save the Children - Greece and ARSIS (Association for Social Support of Youth) children also work because of lack of alternatives (e.g. adequate education) and of lower wages that they can offer to employers.

The relationship between education and child work has been investigated by the Pedagogical Institute[54] .A research group was set up in order to study the number of children who, on a national scale, drop out from secondary school and their needs for professional education. The survey lasted sixteen months[55] and came to the result that approximately 170.000 young people, aged 12 to 21 years old, did not complete their compulsory education. Around 20% of adolescents declared that they gave up school because they wanted to work or to acquire some skills in order to find a more technical (qualified) job. A percentage of 8% of adolescents left school so as to help in their family business activities and boost their family income. Another interesting point is that adolescents and young

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[53] See below.

[54] The Pedagogical Institute carried out the relevant research but the findings were published by the Organisation for Vocational Education and Training in 1996. Both bodies operate under the auspices of the Ministry of National Education and Religious Affairs.

[55] The survey had two stages: the collection of quantitative data on drop-outs and secondly the identification of a sample of former students for the statistical analysis on reasons for leaving school, leaving conditions, problems they have to deal with, willingness to participate in vocational training programmes.

people who live in agricultural areas (42,5%) are more involved in their family activities during their studies and are therefore more likely to drop school. The corresponding percentages for urban areas are 30,3% and for the semi-urban areas 24,2%.

In Greece there are no official statistics in respect of street children, e. g. showing numbers and characteristics of all children, who they are, where they are located throughout the country, etc. However, there are some data in the Statistical Review on the offences of minors issued by the Sub-division of the Greek Police, concerning children and young people who have disappeared and children who were arrested for:

- beggary;
- illegally selling flowers in cafes, night-clubs, etc.;
- illegally selling small goods like tissues, matches;
- washing car windows at traffic lights.

Children and young people involved in begging in 1995 are shown in Table - T 4.9.

Table - T 4.9: Children and young people arrested for begging in 1995

Attica (Athens metropolitan) Area		Rest of the country			
Age	**Number**	**Age**	**Female**	**Male**	**Total**
7-12	7	up to 12	8	20	28
13-17	40	13-17	5	30	35
18-20	38	not available	not available	not available	not available
Total	**85**	**Total**	**13**	**50**	**63**

Source: Statistical Review on minors' offences

Out of 85 children who were arrested for beggary in the Attica area, the biggest percentage came from Albania, while the rest came from the new European Democracies.

Besides the abovementioned official data, it is estimated that most of the children in the streets (the majority gender is male) are Roma, repatriated Greeks of Pontos origins and Albanians. Their age varies between 3-4 and 14 years old.

Usually the older ones, e.g. the 14-15 year olds and over, undertake the responsibility to look after the younger ones, whether siblings or not. They escort them from the place of residence to streets where they work and collect them at the end of the working time.

Children in the street affirm that work is the norm for them and they prefer to work in the street rather than any other work. They usually work less than 7,5 hours per day. Further, they say that they

do not like going to school, and therefore most of them do not attend it at all, while very few go to school only occasionally.

There are different reasons for children being in the streets and for their increasing number: external causes like migratory flows from the new European democracies, the increase of illegal migrants and/or refugees, as well as internal causes such as poverty and unemployment, the weakening of family bonds and lack of social cohesion.

Usually, after a minor is arrested for beggary, the police search out for the parents or other members of the family. In the case of Albanian children who are illegally in Greece, when their family is found by the police, all of them are expelled.

In all other cases the parents are taken to court. They stand trial and they are convicted under the Greek criminal law (article 409), for neglecting to prevent their children from beggary or vagrancy. Therefore their custody is temporarily removed and children are placed in institutional care or foster care. Quite often, under family pressure, children return to their families after a while, then most of the times, children are again in the streets until they are once more under arrest.

Sexual exploitation of children is another cause of concern in Greece. A survey by the Maragopoulos Foundation for Human Rights, carried out from September 1995 to March 1997 in Athens, revealed the presence of around 3.000 children and young persons involved in prostitution. Table T - 4.10 shows the findings of the survey.

Table T - 4.10: juvenile prostitution in Athens*

Age	Girls	Boys	Total
up to 10	55	65	**120**
11-12	40	65	**105**
13-15	380	145	**525**
16-17	1.930	250	**2.180**
Total	**2.405**	**525**	**2.930**

* Numbers of juvenile prostitutes show significant fluctuation from season to season, as there is great mobility, e.g. there are juveniles who are withdrawn by pimps, as well as others who leave the streets by themselves.

Source: Maragopoulos Foundation for Human Rights, for kind permission

55-60% of juvenile prostitutes have Greek origins - about half of them are Roma children and 1/4 are Pontian refugees from the ex-Soviet Union who went to Greece to take up permanent residence.

40-45% come from Albania and Iraq, while a very small percentage come from Pakistan and Armenia.

Juvenile prostitutes belong to poor and/or disrupted families, further characterised by instability and mobility, who are located in downgraded neighbourhoods in West Attica.

One out of 15 juveniles are pushed by their families into prostitution, while the majority are victims of criminal networks.

The National Welfare Organisation runs activities which are related to child workers, such as the monitoring of national policies; educational support to children in its institutions - some of the children are former child labourers; a programme called Financial Support to Natural Family, aiming at protecting children and avoiding their exploitation into labour by their families; protection, upbringing and reintegration into the society of children whose custody is removed from legal guardians who economically exploited their children.

Save the Children - Greece provides working Roma children living in Ano Liosia and Megara (areas of Attica) with basic education and ARSIS supports children through its advisory services in Athens, Thessaloniki, Volos and Patra. ARSIS also offers vocational training and helps the young unemployed without qualifications to find out what vocational training fields suit them.

The three organisations believe that one of the main priorities to prevent unacceptable forms of child labour should be a better and in-depth awareness and knowledge of the national situation of child work which would bring to an adequate system of data collecting and reliable national statistics. Another key area is education: lack of education of working children, as well as the lack of education of their families, are factors which push children into work. It is important to offer them adequate educational support, e.g. informal classes, assistance to be able to adapt in school education, vocational training adjusted to their special needs and situation. A more effective monitoring mechanism would need to be set up; this could have the form of a children's rights 'Watch' which will include child labour issues. The idea of a 'Children's Ombudsperson' could be examined as an alternative.

In **Italy**, although child labour is prohibited by law (15 year olds and in some cases 14 year olds cannot work) and although official national data report a very low percentage of law violation (concerning working age and conditions), children between the age of 9 and 14 work. They usually help in family businesses, e.g. in running bars, restaurants, petrol stations, pizzerias, or, to a less extent, they work with other people[56].

The size of this phenomenon is uncertain due to the scarcity of official data and the subtle difference between exploitation of child work and helping out in the family business.

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[56] ISTITUTO RICERCHE ECONOMICHE E SOCIALI - IRES, *Child labour as a cause of social exclusion - CLACSE*, Interim report by kindly permission, Rome, January 1997, p. 34.

In Italy, the only official data from the Ministry of Labour are related to 1992-93 and are drawn from reports of inspections carried out by the Regional Labour Inspectorates. These data do not show any kind of violation of the existent national law in the southern regions of Campania and Sicily, even though cases of unregistered workers and child workers are commonly perceived to be more there than in any other part of the country[57].

An indicative estimate comes from figures concerning school drop-outs, that are estimated to be about 35.000 a year. However, this data does not fully explain the consistency of the phenomenon as the most widespread cases of child labour see children working in the afternoon or during holidays, while attending school[58].

Research on child labour in Italy is fairly old and outcomes are difficult to be compared because of the lack of really reliable survey methods. Moreover it has to be clearly stated that working children are not only a phenomenon of socio-economically disadvantaged southern regions, but also of the rich areas of the Centre-North of the country[59].

An estimate can be deduced from the relatively recent enquiry on families, carried out by ISTAT, the National Institute for Statistics[60]. The study that covered the entire national territory, concerned children between 6 and 13 years old and gathered data on the working activity that they had done or were doing, both within the family and outside the household. Domestic work was not taken into consideration. Working activities meant both seasonal and yearly work. As far as yearly work is concerned, the survey showed the following figures:

- 276.000 children helping out in the family business;
- 34.000 children helping out relatives who have a business;
- 16.000 children working for other people.

If these figures are summed up, about 326.000 children were working in the period between December 1988 to May 1989.

The number of children working only during the summer period was as follows:

- 143.000 children helping out in the family business;
- 23.000 children helping out relatives who have a business;
- 17.000 children working for other people.

In 1988-89 there were 183.000 children aged 6-13 engaged in seasonal work. Therefore a total estimation of working children can be obtained by adding together these two estimates, that is 509.000 units.

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[57] MOVIMENTO PER L'AUTOSVILUPPO, L'INTERSCAMBIO E LA SOLIDARIETA' - MAIS, *Il lavoro minorile in Italia secondo lo studio MAIS - IWGCL*, op. cit.

[58] ISTITUTO RICERCHE ECONOMICHE E SOCIALI - IRES, *Child labour as a cause of social exclusion - CLACSE*, op. cit., p. 35

[59] *Ibidem*.

[60] NATIONAL STATISTICAL INSTITUTE - ISTAT, "Indagine multiscopo sulle famiglie", in *Il mondo dei bambini*, No. 9, 1987-1991, cited in ISTITUTO RICERCHE ECONOMICHE E SOCIALI - IRES, *Child labour as a cause of social exclusion - CLACSE*, op. cit., p. 35

The data mostly refer to work carried out for families or relatives and therefore this leads to the thinking that the total figure still underestimates the real number of working children.

The survey provides for a breakdown of the figures by regional areas: North-West, North-East, Centre, and South (including islands). Table T - 4.11 shows the breakdown.

Table 4.11: Breakdown of the number of working children aged 6-13 by geographical area

Geographical area	Kind of activity	Working with parents	Working with relatives	Working for other people	Total
North-West	Seasonal work	30.000	10.000	2.000	42.000
	Yearly work*	55.000	10.000	6.000	71.000
Sub-total		**85.000**	**20.000**	**8.000**	**113.000**
North-East	Seasonal work	30.000	7.000	2.000	39.000
	Yearly work*	59.000	9.000	3.000	71.000
Sub-total		**89.000**	**16.000**	**5.000**	**110.000**
Centre	Seasonal work	21.000	1.000	4.000	26.000
	Yearly work*	49.000	9.000	2.000	60.000
Sub-total		**70.000**	**10.000**	**6.000**	**86.000**
South and islands	Seasonal work	62.000	5.000	9.000	76.000
	Yearly work*	113.000	6.000	5.000	124.000
Sub-total		**175.000**	**11.000**	**14.000**	**200.000**
Total		**419.000**	**57.000**	**33.000**	**509.000**

* Yearly work means a little throughout the year but not every day nor all the day long

Source: NATIONAL STATISTICAL INSTITUTE - ISTAT, "Indagine multiscopo sulle famiglie", in *Il mondo dei bambini*, op. cit., cited in ISTITUTO RICERCHE ECONOMICHE E SOCIALI - IRES, *Child labour as a cause of social exclusion - CLACSE*, op. cit., pp. 35-36, data elaboration by author.

Lastly the presence of foreign children in Italy should be mentioned. At the end of May 1995 the Ministry of Domestic Affairs published the official figure of 28.685 foreign minors, regularly registered and legally residents in Italy. More than half of them live in northern Italy, the rest is divided between the centre and South.

Unofficial estimates refer the number of resident minors in Italy - whether legal or not - to be around 80.000[61].

There are three immigrant communities where child work is more likely to be exploited: Chinese Community, Moroccan Community and Roma Community.

- **Chinese Community**. At the end of 1994 there were nearly 23.000 registered immigrants from China, and among them a high proportion of minors. The largest communities are based in the regions of Latium, Lombardy, Tuscany and Piedmont. The majority of them are natives of the mountainous South-East region of *Zhejiang*, China. In Italy, nearly all of these immigrants, adults and children alike, work in restaurants and in the manufacturing and packaging of leather products. The children, illegally engaged in these activities, work after school, and their earnings help them to support the household. There are between 3.000-4.000 child workers from China up to the age of 14 (the last year of compulsory schooling); there are half as many young persons between the ages of 15 and 18 who are working.

- **Moroccan community**. The age of Moroccan children - predominantly males - ranges from 8 to 16 years. They can be found working in front of supermarkets, churches and cinemas, where they sell tissues and cigarettes lighters in order to help their families, which in many cases are still living in Morocco. These children are often under the care of a relative or acquaintance and sometimes end up in criminal rings run by other Moroccans and Italians. Official data on the number of legally registered children does not reflect their real numbers in Italy. There are many cases of minors who are without papers, but who are registered under the name of the head of the household. There are still others who are not registered at all.

- **Roma community**. *Manghel*, or begging, is considered a job and children help their mothers in this activity. Girls between the ages of 8 and 15, along with adult women, sell flowers, which are bought from wholesalers and sold in restaurants in the evening. Minors sometimes break into apartments. Previously, adults carried out burglaries, but children below the age of 14, who are too young to be tried as criminals, are increasingly committing these crimes[62].

If we want to make a list of the main reasons for child work in Italy, this is how it would appear:

a. Child labour has it roots in the crevices of an extremely segmented labour market, where marginal and irregular work represent an important resource for the family.

b. The crucial nature of the family as the *decision-making centre*, on the participation of its members in the labour market.

c. The shifting away from the notion of 'need' to that of 'income accumulation' and 'containment of managerial costs' by family

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[61] MOVIMENTO PER L'AUTOSVILUPPO, L'INTERSCAMBIO E LA SOLIDARIETA' - MAIS, *Il lavoro minorile in Italia secondo lo studio MAIS - IWGCL*, op. cit.

[62] *Ibidem*.

enterprises, as a fundamental factor for the early insertion into the labour market.

d. The influence of the socio-cultural context in relation to the child's family, school and social environment: parent's education level, profession and income influence the entry of the child into the labour market[63].

While child work tends to be associated to situations of socio-economic underdevelopment and backwardness, it is not enough to explain a phenomenon whose nature is much more complex. Child work, for example, has also developed in areas with high concentrations of industries or touristic areas.

Child work is sometimes a sign of a family's strategy to provide youngsters with experiences and professional changes that are not guaranteed by schools and diplomas[64].

Because of these shortcomings, there has been much talk about the 'Italian culture of work', and work that is outside the system of official controls, unqualified and open to high risk of exploitation has been considered as a substitute for the child's education and development. Therefore, the belief that school cannot effectively teach one to survive beyond the school years and the need of families for supplementing their incomes push many youngsters towards work that is usually unqualified and without guarantee of developing into a profession. Both the formal and informal labour markets seldom offer qualified work to teenagers[65].

Dropping out of school can, in part, be due to the inability of some families to follow their children's studies, and in part to the inability of teachers to offer adequate support to children who have learning difficulties and who live in risky social conditions. In particular, the number of failures among students in compulsory education in the South seems to depend not so much on the inability of teachers as on the ineffectiveness of the education system. There is still today an inequitable distribution of educational resources across the regions of Italy[66].

Working conditions of minors vary a lot; it could be generally said that children from middle class families work with their parents in the family enterprise, while working class children mostly work for other people. In the first case, there is a condition that can present a certain kind of positive aspect as there is a relative socialisation of this type of work; whereas the second case determines a situation without institutional checks and ethical restraints that can lead to the real exploitation of child labour[67].

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[63] ISTITUTO RICERCHE ECONOMICHE E SOCIALI - IRES, *Child labour as a cause of social exclusion - CLACSE*, op. cit., p. 39.

[64] MOVIMENTO PER L'AUTOSVILUPPO, L'INTERSCAMBIO E LA SOLIDARIETA' - MAIS, *Il lavoro minorile in Italia secondo lo studio MAIS - IWGCL*, op. cit.

[65] *Ibidem*.

[66] *Ibidem*.

[67] ISTITUTO RICERCHE ECONOMICHE E SOCIALI - IRES, *Child labour as a cause of social exclusion - CLACSE*, op. cit., p. 41.

Working hours vary a lot. Among the young pupil-workers there are forms of part-time jobs: a good part of the afternoon is devoted to work, some even find ways of working in the morning before going to school. Then in summer the working period usually covers the entire day.

Wages are often very low and are sometimes compensated by alternative rewards such as gifts, personal presents, tips[68].

Within the case study concerning Italy, a specific case on **child labour within the Chinese community based in Tuscany** is dealt with in more detail[69].

In Tuscany quite a large community of Chinese immigrants is reported to be mainly based in the provinces of Florence, Prato and Pistoia. Official data are not complete - they include estimates of the Italian Foreigners' Office and data collected by NGOs - and refers the number of Chinese immigrants to be included between 20.000 and 30.000. According to unofficial data their number should be doubled. They are not illegal immigrants but their reality is extremely complex.

It is usually a whole family or family groups who leave China and search for better living conditions abroad. Parents and children move from their native town and often reach places to where other nationals had previously moved.

As for Tuscany, the reality has revealed that the trip of these families is often organised by a Chinese racket - in some cases in collaboration with some Italians. They ask these people for 25 million Lira per person to organise their trip (about 12.500 ECU) and once in Italy they employ them in enterprises which they own. At the end of the 80s, Chinese families used to go to Italy through the ex-Yugoslavia but nowadays they go through France and the Netherlands.

The whole family becomes the property of the Chinese racket until the full debt has been repaid: they cannot freely dispose of their money and of their time. Their work is really bounded labour and the local police offices have reported an increased number of complaints for exploitation and enslaving practices. The whole family is subject to these practices very similar to slavery, and children are not excluded.

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[68] *Ibidem.*

[69] Information on this subject comes from a personal visit to Professor Paolo Chiozzi, an Italian Anthropologist, who has for several years been working and researching children issues and migration problems. He collaborates with the UNICEF International Child Development Centre based in Florence, for which he has carried out several studies and researches. The results of his last research, which we refer to, are part of a study on "Immigrants Children and Adolescents within the European Union", promoted and financed by the International Child Development Centre, which has not yet been published. EFCW is very thankful to Professor Chiozzi for his time and for exchanging information.

The most common activities that the Chinese immigrants perform include professional embroidery and off-the-peg clothes activities. They usually work at home and combine their house with a laboratory. The work performed by the whole family does not prevent children from going to school. Children from the age of 8 years attend school and work with their families in the afternoon. Culturally in Chinese communities children are protected and work is considered to be an adult activity and task. It is the state in which families live and the consequent need of financial means that lead families to make their children work.

These findings are the results of a structured and systematic study carried out by students who worked and researched directly in the field. Children were personally contacted in schools and through schools with the help of social workers. The school ended up to be the privileged means of contacting these Chinese working children who demonstrated a very regular school attendance. The study discovered cases of not legally registered and resident children who were enrolled at school with identification documents belonging to other children. This shows the role given to education by the Chinese community.

Children personally participated and contributed to the research. They were asked to illustrate and show through drawings themselves and the others. In more than one case Chinese children represented themselves with European somatic characteristics: they were white, had curly hair and round eyes. This was interpreted as a clear sign of exclusion and as a desire to be accepted or even to belong to the Italian community. This lack of integration is clearly perceived by children and the situation of marginality of their families deepens and perpetuates the causes of their exclusion.

4.3 PORTUGAL: STREET CHILDREN IN A EUROPEAN COUNTRY

In Portugal the phenomenon of street children is officially recognised and therefore tackled. Nevertheless official numbers are still lacking and only estimates give the overall idea of children working and living on the street.

Street children are mostly found in Lisbon. The Department of Social Action of Lisbon City Council reports a number of more than 500 registered. Various sources indicate that the total number is certainly more than 2.500 and could even be as high as 5.000. Some sources mention, however, a decreasing tendency[70].

It is possible to distinguish sub-categories in the whole group on the basis of age, place of permanence, family situation, 'involvement'

[70] OUDE ENGBERINK G. AND KRUIJT D., *Streetchildren in the European City - A Preliminary Survey*, Eurocities Social Welfare Committee, Barcelona/Rotterdam, June 1996, p. 42.

in the legal system because of delinquent behaviour, and a number of other features.

The majority of street children, often very young children, live outside the family control, they steal and practice other irregularities, and pass their nights in old apartments or other hideouts. For them their families are not existent any more, because of the sometimes-extreme poverty of these families, who are incapable of providing subsistence and education to their children. More structural causes have to be sought in the accelerating social changes, which erode existing relations of solidarity and exacerbate the always-existing tensions between different generations[71].

The decolonisation processes of the seventies have very much changed the population composition of Portugal and especially of its capital. Many thousands of ex-colonial immigrants sought refuge in Lisbon but found poverty and marginality, often bad housing or no housing at all, and had to erect their own "*baracas*" (shantytowns), and ways of earning an income in the informal sector of small trade and other survival strategies. Children have to contribute to the family income in every way they can, but often end up permanently in the streets, loosing the contact with their often 'unstructured' one-parent families and finding a new network and some measure of meagre security and identification in groups of street children[72].

The study case of Portugal will be based on the project 'Working with street children' run by *Instituto de Apoio à Criança* - IAC, based in Lisbon[73].

The situation of many children, living in conditions of abandonment, victims of exploitation or with an anti-social behaviour coming from the degraded neighbourhoods of Lisbon and from surrounding areas, pushed IAC to action.

The project 'Working with street children' started in October 1989 as part of the Portuguese National Programme against Poverty in the southern Region and within the framework of the Third EU Programme against Poverty[74]. Its main objective was to avoid and/or break the marginalisation circle in which the street children were caught. It is work which is basically realised on the streets and it has

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[71] *Ibidem.*

[72] *Ibidem.*

[73] The Child Care Institute (Instituto de Apoio à Criança - IAC) is a child welfare NGO and a member of EFCW. Their main purpose is to contribute to the full development of children and to the defence and promotion of their rights, considering the child on a global approach as someone entitled to all the rights such as health, education, social security or leisure time. Among a wide range of activities IAC develops information and awareness raising activities, organises seminars on neglected child-related topics, offers direct services to children in fields not covered by State Departments. The author of the present study had the opportunity to visit IAC and to join with the different working teams on the street children project. Some of the ideas expressed in the present paragraph were grasped from the direct experience and contact with the staff and children. EFCW is thankful for the valuable contribution to this study.

[74] INSTITUTO DE APOIO À CRIANÇA, *Travail auprès des Enfants des Rues*, 3eme programme pour la lutte contre la pauvrete de la CE, December 1993, p. 21.

as a target group both children of the street and children on the street[75].

The population of street children in Lisbon is mainly made up of male children whose ages vary from 14 to 16 years old. The majority of them are Portuguese, but a great part of their families have African origins and arrived in Portugal as immigrants from ex-colonies[76]. They roam about alone or in small groups, begging, selling bandages, pencils or rulers, parking cars, pick-pocketing, getting involved in child prostitution and pornography. They also keep themselves busy by sniffing glue and selling drugs.

Families of working children usually live in the urban surrounding area of Lisbon, in the suburbs of *Chelas*, *Buraca* and *Bairro 6 de Maio*, where children grow up in a climate of violence and delinquency. It is important to underline that parents are normally non-qualified workers with a low level of education; they live in precarious economic conditions and have often got temporary jobs (e.g. in the construction sector or as cleaning ladies)[77].

Street children move in and out of two communities: the run-away community, very dynamic areas of the centre of the city with a lot of bars and discos. There children can feel free and sure of themselves and live in their world of fantasy and evasion. The residence community where children come from are usually suburbs far away from downtown, with a high demographic density, with problems of under- and unemployment, degraded housing conditions, illiteracy and lack of civic education.

Reasons for children being and living in the streets are complex and it is difficult to identify the main cause. Street life is the result and combination of different social, cultural, economic conditions that make the children escape from their family and community to look for freedom and independence. In the street they are obliged to find financial means to survive. Although food is still the top-priority, recently street children work and search for money in order to buy fashion clothes and footwear. As a street animator said, street children have changed their habits and nowadays, at first glance, one can barely recognise and distinguish a street child from a 'normal' child: they wear the same clothes, shoes, walk with walkman and hear the same music. They have the same consumer desires.

The first phase of the project covered the period October 1989 - July 1994. The target group were children who broke away from their family, in a more or less radical manner, and went to live under their own responsibility, obtaining ways of sustenance often through illegal

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[75] For the difference between the two definitions see above chapter 1, § 1.4.

[76] AA.VV., *Pobreza é com todos mudanças possíveis, Balanço de uma experiência*, Programa Pobreza 3,Programa Comunitário para a Integração Economica e Social dos Grupos Menos Favorecidos, Lisbon, June 1994, p. 122.

[77] *Ibidem*.

methods, staying overnight in places of wanderings, and began to assume anti-social behaviours[78].

During the first phase of the project three processes were developed:

1. **Approach**: It is the first contact with street children, and is characterised by the slow and patient building up of a relationship with the child. The street animator has a fundamental role in creating a reliable, sincere and respectful relationship with the children. The approach is essential and constitutes a starting point because all the following activities are dependent on the personalised and committed link that the street animator is able to establish with street children[79].

2. **Transition**: It is the phase when contacts with street children become more frequent and systematic. Children come to know the basic rules of social living and community values, they receive education, whenever possible, and are given the possibility to choose a professional training. In this phase the residence community and families of street children become involved in a process of awareness raising. Continuous meetings and contacts among specialists, street animators and the co-ordinating team take place in order to verify the state of play of the child's progress and to adjust potential future actions. The process of changing is arduous and painful for children and during the transition opposite values and behaviours co-exist. This requires a lot of understanding towards the incoherence of attitudes and behaviours, as well as towards regressions[80].

During the transition period children are given the opportunity to recover their loss of schooling through formal and informal education. A lot of them express the desire to receive a professional education. The labour market is constantly monitored and children are told about the most probable employment possibilities. Private enterprises are contacted and visits to the workplaces organised. Children choose the professional activity which is more suitable for them and it has happened that, after a period of training, some of the children were employed and paid.

3. **Integration**: It constitutes the final process and implies the integration of children into their families, in an appropriate institution, in the world of work. Children acquire habits of normal life, find a job, re-create family ties[81]. The family is the fist priority for children re-integration, after the re-education of both children and families. The communities services - like schools and public health services - are warned and give particular care and attention to these former street

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[78] INSTITUTO DE APOIO À CRIANÇA, *Work with street children - In family we grow*, Brief description of the project, 1997, p. 2.

[79] INSTITUTO DE APOIO À CRIANÇA, *Travail auprès des Enfants des Rues*, op. cit., p. 26.

[80] INSTITUTO DE APOIO À CRIANÇA, *Travail auprès des Enfants des Rues*, op. cit., pp. 33-34.

[81] INSTITUTO DE APOIO À CRIANÇA, *Travail auprès des Enfants des Rues*, op. cit., pp. 37-44.

children[82]. When the family is lacking or when it is not possible for the child to be reintegrated into it, then the solution of entering into an institution is considered. The child's opinion is deeply considered and respected.

Firstly, it is important to underline that children are never forced or pushed into one of the three processes; they become acquainted with the project team, without any formality, they interact with the team when and as long as they wish, they are active subject of their recovery, which is processed accordingly to their own pace. In every publication, description and summary of the IAC street children project, there is a recurrent expression: children are the main protagonists of their process of changing.

Secondly, the project's method considers that the best development for the street child is through reconciliation between the child and the family. Therefore, specific work with the families has been developed, enabling them to see their role towards children, as far as education, responsibility, autonomy and self-esteem is concerned.

Thirdly, the work developed with families of street children and their communities is not only curative (the integration of the street children with their families), but it has also a preventive nature, with children who have not yet run away into the street but have problems at school and risky family living conditions[83].

The second phase of the street children project covers the period from July 1994 to December 1999. The phase focuses on three areas:

Area of Recovery: It constitutes the follow-up of the work with street children, with a special focus on prevention.

Area of Development: Families of street children live in needy areas where basic conditions for living are lacking, and where children, experiencing conditions of deprivation, escape and get involved in the circle of delinquency and street life. Demands are made to help and create better economic, social living conditions.

Area of Revaluation: The need for transmitting values to children and youth is a constant concern for the project staff, believing that they will constitute an invaluable acquisition of the milieu that they live in[84].

The second phase could be summed up by the expression 'prevention: back to the causes'. To complement the operation being developed in *Baixa de Lisboa* (downtown area), the project ended up by setting working teams in *Bairro 6 de Maio* (*Amadora*), *Patio 208* (*Chelas*) and *Olival do Pancas* (*Pontinha-Loures*), the residential

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[82] *Ibidem.*

[83] INSTITUTO DE APOIO À CRIANÇA, *Work with street children - In family we grow*, op. cit., pp. 6-7.

[84] INSTITUTO DE APOIO À CRIANÇA, *Work with street children - In family we grow*, op. cit., p. 11.

areas of most of the contacted street children[85]. These areas are characterised by non-existence of basic sanitation without a sewer system, lack of basic hygienic services and basic treatment of diseases, early maternity, alcoholism and high consumption of drugs. The work of the teams consists basically in social promotion.

The project has enlarged its areas of intervention which now include schooling, health and prevention of juvenile delinquency. This implies close co-operation with the local services of the Ministry of Education, Health and Justice.

In the area of schooling, the main activities consist of making the children aware of the importance of homework and helping them with it; pedagogic animations in development alongside school activities; socio-educative activities and fields trips. These activities are run and followed by well trained school animators, who are the mediators between the child, the school and the family in the day-to-day school issues.

In the area of health promotion, children and families are encouraged to get vaccinated, to take care of their personal hygiene, and they are informed about sexuality, pregnancy, maternity, sexually transmitted diseases[86].

Main results achieved through the street children project

From October 1989 until 1997, 590 street children were contacted by the project. In 25% of the cases the aims/objectives were fully achieved; in 34% they were partially achieved and these children are still in their transition period. This means that 59% of the children contacted chose to change their way of living, they found a life project after the systematic work with the project team.

Table T - 4.12: Number of contacted street children and level of achievement of the aims

	Level of achievement of the aims				
Number of contacted street children 1989 - 1997	Fully achieved	Partially achieved		Children who are still in the approach phase	Not achieved
590	25%	34% in their transition period	33% have stopped frequenting the streets	5%	3%

Source: INSTITUTO DE APOIO À CRIANÇA, *Work with street children - In family we grow*, op. cit., p. 6.

[85] INSTITUTO DE APOIO À CRIANÇA, *Work with street children - In family we grow*, op. cit., p. 12.

[86] INSTITUTO DE APOIO À CRIANÇA, *Work with street children - In family we grow*, op. cit., p. 14.

In addition to these cases, another 33% of the approached children stopped frequenting the area to where they had fled and returned to their families or to the institution where they used to live.

To-date only 3% do not wish direct support from the project, although they are in contact with the street animators and 5% are in the approach phase[87].

These results are summed up in Table T - 4.12.

A great indicator of change and success is the collaboration of the resident youth animators. These are youths who were once on the street or youth residents who identify themselves with the same problems as the street children and therefore co-operate with the project team. Also, since they can identify themselves with the community, they are able to get children to participate more and thanks to their permanent status within the community, their influence increases in a positive way. On the other hand, these animators gained more responsibilities, standards, and self-esteem, which permit them to evolve in a positive and more rapid way than the other youth of the community. They are the strongest link between other children and the project team[88].

Concrete results of the projects can be demonstrated by the fact that since the project started the number of street children has substantially diminished. The project has undoubtedly been effective.

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[87] INSTITUTO DE APOIO À CRIANÇA, *Work with street children - In family we grow*, op. cit., p. 6.

[88] INSTITUTO DE APOIO À CRIANÇA, *Work with street children - In family we grow*, op. cit., p. 7.

Conclusions and recommendations

Conclusions

For some years there has been a growing international concern about child work, especially in developing countries. However there are reasons for concern also in Europe. Children and young persons work and the reasons may be anything from necessity because of the family material deprivation or, being abandoned the child has to take care of him or herself; preparation for a future occupation; of the wish to work in one's spare time to earn extra pocket money.

Children and young persons in Europe work both in exploitative and beneficial situations. Most of the children who work in exploitative work are from poor families and are often also children of minority groups. This is shown in the cases of Greece and Italy.

Whether work has a positive or negative consequence for a child or a young person depends on the social surrounding, the age of the child, the type of activity, the working conditions and the length of the working hours. The consequences of a beneficial work experience, when activities and tasks are chosen to suit the child and chosen by the child, are very different from those work situations some children are forced into. A family may exploit and abuse a child as badly as any other employer.

The majority of child work is found in what can be called the twilight zone, where children perform activities which cannot be neatly classified and divided between detrimental and beneficial work. Some of them could imply activities which are suitable for the child's age on the one hand, but which do not respect working time and conditions on the other. The case of the UKillustrates this kind of issue.

The European situation of working children clearly shows the need to move the debate beyond a line-up for or against child work; for or against its eradication; and for or against legislative penalty and compulsory schooling as the key strategies for its elimination. The aim of any action to assist working children should be to provide support and protection for childhood development, taking into account 'the best interests of the child" and working children's own perceptions of those best interests.

As a matter of fact, the UK study case, showed that healthy psychosocial development is by no means inconsistent with a working life in childhood. Child workers themselves attested the

dignity of work and the way in which work experience gave them a sense of self-worth.

In Europe, the state of ratification of international law could be considered quite good compared with other continents. All the relevant treaties and conventions directly or indirectly related to child work have been ratified by the vast majority of EU Member States. The UK, however, do not constitute a good example: it has not yet ratified the ILO Convention No. 138 on the minimum age, it made reservations to the applicability of Article 32 of the Convention on the Rights of the Child (children between 16 and 18 are considered and treated as young persons as for work and employment matters) and has secured a drop-out to the Young Workers Directive of the European Union and therefore standards of protection have been considerably lowered.

Legislation and sanctions are important factors in preventive work aimed at improving working conditions and abolishing exploitative child work. Almost all national laws concerning the protection of working children are very detailed and made up of different pieces of legislation. There are many similarities between countries regarding protective labour legislation for children and young persons. However there are also big differences in practice regarding such things as how homework is viewed and in what way existing shared values and cultural standards may frustrate the elimination of the exploitation of children. The viewpoint that work for the family is not work, leaves many children in unprotected situations.

There are regional differences as to what is work. There are also differences in attitudes towards the work of children. The Nordic countries and Germany show a very positive attitude with a strict legislation. A more neutral attitude is found in western and central Europe, whereas in southern Europe, there are strong negative attitudes to child work, and this has often led to an abusive nature of much of this work. As a matter of fact, the situation in certain countries of southern Europe, Greece, Italy and Portugal offers a contrast between law and practice: a full, strict and detailed legislation, nonetheless fails to grasp the many-sided and developed reality, child work in the family business, in the street, in the informal and clandestine sector. The institutions responsible for controlling this phenomenon are not adapted to this situation.

One of the results that can be drawn from the present study is that child labour - in its negative connotation - is a criteria to measure a specific socioeconomic problem: for Greece and Italy one can find the non-integration of immigrants as the potential cause for child labour. When immigrant groups live in a situation of marginality, this leads families to survive by any kind of means, and often allows the economic exploitation of their children.

As for Portugal, street children mainly belong to disadvantaged population groups who experience social exclusion from education, heath service and labour market. This provokes family disruptions and children run away to escape from ill-treatment, uncertainty and inadequate or heavy family burdens.

Social problems go far beyond the question of the enforcement of national law on protection of working children and therefore the minimum age criteria together with regulations on working time and conditions are barely meaningful to distinguish among different working conditions: socioeconomic needs make children work disregarding their age and existing regulations.

On the other hand, in the United Kingdom lack of an updated and comprehensive national regulation on the protection of working children leads children to perform activities which might be voluntarily chosen by them and at the same time be suitable for their health and age, but working time and conditions often affect their health and school attendance and performance. Children and young persons do work - and in this way they personally participate in the choices concerning their social and professional life - but the national law does not provide enough protection for their right to be fully respected.

Recommendations

In order to have a clearer picture of working children in Europe, to better understand the place of work in children's lives and to develop criteria for assessing the risks and hazards that children face in different kinds of work, there is a clear need for more precise information in nearly all areas regarding children and work. Such information is an essential basis for any long-term action.

Systematic research needs to be undertaken on:

- the extent to which children work and the reasons why they work;
- the nature and the context of their work;
- those sectors which require special attention (agriculture, cultural activities, domestic work, industry and informal economy);
- identifying the needs of the most vulnerable groups of children;
- the consequences for working children on their school-life, family relationships and leisure; and
- evaluating the positive and negative consequences of work for children.

In addition to a more appropriate and in-depth research, it should be recognised that prevalence figures concerning the numbers of children involved in the workplace cannot be taken as a quantification

of the 'problem' of child labour; a clear distinction should be made between working children and children suffering form different kinds and degrees of exploitation in the workplace.

Eradicating all forms of hazardous and exploitative child work should be the priority of intervention strategies. This must include less visible forms of child work.

Nevertheless, child work abolition should not be an "a priori" task because each country has it own economic, social, political and cultural situation which has to be considered in order to take any steps towards the facing of child labour problems. Sometimes child work is a strong necessity and should be valued, protected and regulated rather than abolished.

There should be a careful differentiation between the usefulness of international instruments articulating universal *principles* and the need for flexible and relativist programmatic *approaches*.

EU Member States which have not yet ratified 1973 ILO Convention No. 138 on the 'Minimum age for admission to employment' should now take steps to do so. This would be in line with the statement in the European Union Young Workers Directive that it would be appropriate to observe the principles of the ILO regarding the protection of young persons at work.

The UK should reconsider its derogation on the European Union Young Workers Directive with a view to full implementation from 1999.

The legislative framework protecting children at work should be generalised to cover all children, whatever the working context. In particular, the exclusion of work done at home and/or within the family should be reviewed.

Legislative reform should also provide for increased powers of labour inspection. In particular, labour inspectors should be given the jurisdiction to inspect all small workshops, farms and family enterprises.

Sanctions should also include the possibility of fines set at a sufficiently high level to be dissuasive.

Furthermore, in every country compulsory school leaving ages and general minimum employment ages should be harmonised where they are not the same. This would avoid that any gap between these ages allows children to perform work illegally and/or without adequate protection.

The participation of working children and their families must be institutionalised in planning and implementing initiatives on child work. Careful monitoring of the impact of initiatives on working children's lives is also essential. This may require the development of specific tools and mechanisms to ensure that working children's perspectives are given proper consideration.

Co-ordinated action on child work issues at international, regional, national and local levels is essential.

The European Forum for Child Welfare, as a European-wide network of NGOs concerned with the well-being of every child - and therefore any working child - can play an important role in raising public awareness on child work issues among and through its members, in putting pressure on European countries to ratify and/or duly implement existing legislation.

EFCW is aware that child labour has complex causes and therefore the potential solution has to be comprehensive as well, and should bring together all the skills and experiences that each organisation or institution have. A more effective co-operation among NGOs and with the world of international and national organisations is needed. It is EFCW's aim to promote this co-operation and support the exchange of information and examples of best practice.

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Appendix

1. QUESTIONNAIRE ON CHILD WORK SENT TO EFCW MEMBERS

I. ANALYSIS

1. Do you work on child labour issues?

- ☐ Yes
- ☐ Often
- ☐ Sometimes
- ☐ Seldom
- ☐ No

2. In which field do children work in your country? Please indicate the age, number (official or estimated) and majority gender (m/f).

	under 5 (official or estimated No)	6-10 (official or estimated No)	11-14 (official or estimated No)	15-18 (official or estimated No)	majority gender
Agriculture	.....	.....	.....	.....	☐
Mines	.....	.....	.....	.....	☐
Ceramics/glass factories		.....	.....	.....	☐
Matches/fireworks ind.	.....	.....	.....	.....	☐
Deep - sea fishing	.....	.....	.....	.....	☐
Paid domestic work	.....	.....	.....	.....	☐
Unpaid domestic work	.....	.....	.....	.....	☐
Prostitution	.....	.....	.....	.....	☐
Manufacturing industries	.....	.....	.....	.....	☐
Footwear factories	.....	.....	.....	.....	☐
Export oriented factories	.....	.....	.....	.....	☐
Textiles	.....	.....	.....	.....	☐
Home deliveries (eg newspapers)	.....	.....	.....	.....	☐
Markets and retails	.....	.....	.....	.....	☐
Street services (eg shoeshine, windows cleaning)	.....	.....	.....	.....	☐
Short-term/seasonal /temporary work	.....	.....	.....	.....	☐
Others	.....	.....	.....	.....	☐

3. Are there any particular forms of slavery and/or forced labour carried out by children in your country? If so, in which fields?

.....

.....

4. Which social class does the majority of working children belong to? Do they come from a particular ethnicity minority? Which one?

.....

.....

5. Which sources did you get these data from? Please indicate them and send us detailed information if possible.

☐ Official sources (eg governmental) :

.....

☐ Non official sources (eg non-governmental, trade unions)

.....

☐ International sources (eg international organisations)

.....

☐ Personal estimates (specify whether based on researches or guesswork)

.....

☐ Others:

.....

6. What are the main reasons for child labour in your country? Please list order of priorities considering all the factors (eg. Family tradition 1 - Lower wages 2 - etc.).

Supply factors:

- ☐ Poor households
- ☐ Bonded labour
- ☐ Cultural reasons
- ☐ Family tradition
- ☐ Children's willingness of working
- ☐ Lack of alternatives (eg adequate education)
- ☐ Consumer desires of children
- ☐ Others .....

Demand factors:

- ☐ Lower wages
- ☐ International competitiveness reasons
- ☐ Children's lack of awareness of their rights
- ☐ Children's inclination to take orders and to do monotonous work
- ☐ Others .....

II. ACTIONS AND PROJECTS

7. Have you ever done a survey on child labour in your country? Please send details if it is possible.

☐ Yes: .....
.....
.....

☐ No

8. If so, what method did you use?

8.1. Short description:
.....
.....
.....
.....

8.2. Have you found any particular problems with the study method (eg different understanding of the definition of child labour, lack of cooperation on the part of employers and/or children, etc.) ?

☐ Yes:
.....
.....
.....
.....

☐ No

9. Have you co-operated with other national or international organisations or institutions dealing with child labour? Please send us details if possible.

☐ Yes:
.....
.....
.....
.....

☐ No

10. What kind of projects, activities, programmes related to child labour are you running?

☐ Lobbying for the improvement of legislation and the enforcement of it

☐ Monitoring national policies

- ☐ Organisation and/or support to boycott campaigns against industries which use child labour
- ☐ Investigations and researches into the use of child labour
- ☐ Actions to prevent child labour
- ☐ Educational support to child labourers
- ☐ Economic support to child labourers and their families
- ☐ Rehabilitation of former child labourers
- ☐ Others

III. PROPOSAL FOR CONCRETE ACTIONS

11. What concrete actions could be taken to help working children? List order of priorities (highest 1 to lowest 10).

- ☐ Lobbying for the improvement of legislation and the enforcement of it (eg social legislation, legislation banning child labour, legislation for compulsory and free education, etc.)
- ☐ Monitoring your country policies that can indirectly or directly be related to the causes of child labour (eg family, school and education, poverty subsidies, unemployment subsidies, homelessness, etc.)
- ☐ Organisation and/or support to boycott campaigns against industries which use child labour (either domestic and foreign industries)
- ☐ Investigations and researches into the use of child labour
- ☐ Actions to prevent unacceptable child labour (eg campaigns of public awareness, pressure on the national Governments to ratify the ILO Conventions, etc.)
- ☐ Educational support (eg informal school, vocational courses)
- ☐ Economic support (eg to the family of the child labourer, to the child labourer, to employees who stopped using child labour)
- ☐ Rehabilitation of former child labourers (eg vocational training, cultural and human education and rehabilitation, etc.)

IV. THOUGHTS AND OPINIONS ON CHILD LABOUR

12. Should the abolition of child labour be given priority?

☐ Yes, because

.....
.....
.....
.....

☐ No, because

.....
.....
.....
.....

13. Do you think that a social clause in trade agreements could improve the respect of working children's rights?

☐ Often
☐ Sometimes
☐ Seldom
☐ Never

Your point of view about a social clause:

.....
.....
.....

2. THE KUNDAPUR DECLARATION, DECEMBER 1996

1. We want recognition of our problems, our initiatives, proposals and our process of organisation.
2. We are against the boycott of products made by children.
3. We want respect and security for ourselves and the work that we do.
4. We want an education system of which the methodology and content are adapted to our reality.
5. We want professional training adapted to our reality and capabilities.
6. We want access to good health care for working children.
7. We want to be consulted in all decisions concerning us, at local, national or international levels.
8. We want the root causes of our situation, primarily poverty, to be addressed and tackled.
9. We want more activities in rural areas and decentralisation in decision making, so that children will no longer be forced to migrate to the cities.
10. We are against exploitation at work, but we are in favour of work with dignity and appropriate hours, so that we have time for education and leisure.

3. Statement adopted by NGOs at the Oslo Child Labour Conference, October 1997[1]

We congratulate the Norwegian Government, UNICEF and ILO in their efforts to put an end to all economic exploitation of children. We support this important process, and wish to make the following statement that has been elaborated through a process of consultation with a number of NGOs represented at this conference. We urge the conference to give particularly careful attention to the following issues in implementing the conference Agenda for Action.

1. This conference has demonstrated the importance of broad partnerships to end economic exploitation of children

We can only make progress if we join forces, build alliances and move together in a concerted fashion. We are pleased to see that governments and intergovernmental organisations have stated their clear commitment as expressed in the Agenda for Action. We express an equally clear commitment of NGOs to join the efforts to implement a broad based multiple strategic approach, and carry forward the momentum created at this conference.

2. All action on child labour should aim at genuine improvements in the lives of working children and their families, as well as eliminating the need for current and future generations of children to work

We are committed to placing the best interests of children at the centre of our child labour policies and programmes, as required by the Convention on the Rights of the Child. Our actions should be guided by Article 32 which articulates the need to effectively protect children from «economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development» (Article 32.1). We need to work tirelessly to create a world in which children are not exposed to this sort of exploitation. At the same time, we must also ensure the full protection of the rights of those children and youth who are already working under unacceptable conditions.

3. All action to address child labour must be carefully planned, implemented and monitored in order to obtain the intended impact for the children concerned

We must work together to conduct research and collect information to gain a better understanding of economic exploitation of children. We must also monitor and carefully evaluate the impact of measures taken, particularly on the quality of life of children and their

[1] The statement was endorsed by EFCW.

families. For this we need to develop specific monitoring mechanisms. In this context it is vital to ensure our actions are child focused, accountable and guided by the principle of the best interests of the child.

4. For policies and programmes on child labour to be effective, working children and their families should be actively involved

Many well-intended measures have backfired because working children and their families were not consulted, and plans did not take into account the reality of their lives. Thus, it is essential to consult with working children and their families, who know their own situations best. Article 12 of the Convention on the Rights of the Child calls for the active participation of children in all matters concerning them. This does not mean that we must necessarily agree with children's views. Rather, it requires children's voices, including those of working children, to be seriously considered in all decisions and actions regarding child labour.

5. Good quality relevant universal primary education is the right of every child

We wholeheartedly support the Agenda for Action's goal of ensuring access to quality, relevant and free primary education for all children, irrespective of whether they are working or not. Education can play an important role in improving children's present and future livelihoods. However, education should not be seen as the only means of eliminating child labour. Rather the establishment of free and compulsory education should take place within a broader framework that addresses the root causes of child labour, such as poverty, inequality and the low status of children. Children will continue to work unless theirs and their families' basic survival needs are effectively assured.

6. Resources

The implementation of the Agenda for Action can only be obtained if the necessary resources are made available at national and international levels. Failing to do so can reduce the Agenda to a level of meaningless, empty rhetoric, and condemn millions of children to a life of unnecessary exploitation. Therefore, it is imperative that governments live up to their commitment to provide 0.7 % of GNP for overall official development assistance, and for both donor and developing countries to follow the 20/20 principle. The commitment of the Norwegian Government to provide 200 million Kroners for child labour programmes in the next 3 years, and to increase international development assistance to 1% of GNP, is an outstanding development, that needs to be emulated by others. Civil society also has a role in ensuring resources, not least by its enormous potential of mobilising committed citizens.

We have achieved a lot at this conference, and in the processes leading up to this meeting. Now the challenge is to move forward with action, to make sure our commitments translate into practice that will make a real difference in the lives of children and families. This is why we need specific and clear strategies, including clear specification of responsibilities at all levels, to implement the Agenda for Action. Who will do what, and by when? How will we support each other, and hold each other accountable to the promises we have made to the children? As NGOs we hope these strategies will be clearly articulated soon. We commit ourselves to join with our partners to make the Agenda a reality.

4. Speech by Deepak Shukla on behalf of NGO Forum of Working Children to Ministerial meeting at the International Conference on Child Labour, Oslo, 30 October 1997

Respected Ministers from all over the world and other distinguished delegates. My name is Deepak from Bal Mazdoor Sangh, Delhi. I am here representing the NGO Forum for Working Children. The Forum consists of 21 working children from movements and organisations in Latin America, Africa and Asia. We have been discussing together for the last eight days and I am presenting the results of our discussions.

We have shared our realities as working children. We have discussed issues such as social mobilisation, education, most intolerable forms of child labour and child participation. Our realities are very different and therefore we have different point of view. But, as my friend Kumar from Nepal says,
'If you think of a grapevine, the objective is to get the fruit. But there are different ways to get the fruit. Some of us will climb up a ladder and grab it, some make it fall down with a stick and some of us wait until the fruit falls down'. Still the objective is the same - that is to get the fruit. Just as our common goal is that working children have a better life.

And what, for all of us, is very important, is that our right to participate is respected.

Why? Because:

- through our participation decision-makers can understand our reality as working children.

Why? Because every one can learn from each other. Children learn from children, children learn from adults and adults can also learn from children.

Where?
We want to be consulted:
- in all meetings and conferences concerning working children and indeed in all meeting and conferences concerning all children. In the process of making legislation we think that children should be involved at all levels - local, national, regional, international. In the CRC Committee, when there are violations of children's rights, the Government and national organisations can report these violations. But what we want is that organisations of

working children should also be able to directly report to this committee and demand that action be taken.

How? Participation should not be limited in number. It should be an equal level with that of adults.

We therefore ask this conference: please do not only listen to us and then forget about us, but take action based on what we say. We would also like to request governments to give financial and moral support to meetings of children, for official recognition of child participation at all levels and also for recognition of our organisations and movements.

Thank you very much for listening to us. We hope that you will really think and act upon what we have said.

5. AGENDA FOR ACTION ADOPTED AT THE INTERNATIONAL CONFERENCE ON CHILD LABOUR, 27-30 OCTOBER 1997, OSLO, NORWAY

1. Context

1.1 The Oslo Conference on Child Labour reflected the growing international concern about child labour. The conference was based on broadly accepted international instruments, particularly the Convention on the Rights of the Child and the ILO Minimum Age Convention (No.138, 1973) and Forced Labour Convention (No.29, 1930), and on a framework consisting of the Plan of Action from the World Summit for Children (1990) and the Jomtien Declaration on Education for All (1990). The conference was a close follow-up to the Amsterdam Child Labour Conference (1997).

1.2 The participants at the Oslo conference recognised the importance of the many international and regional meetings having a bearing on the issue of child labour. Particular reference was made to the:

- The Vienna Declaration and Programme of Action from the World Conference on Human Rights (1993),
- Programme for Action from the Cairo Conference on Population and Development (1994),
- Declaration and Programme for Action from the Copenhagen World Summit for Social Development (1995),
- Beijing Declaration and Platform for Action from the Fourth World Conference on Women (1995),
- The Stockholm Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children (1996),
- The Chair's Summary and Conclusions from the Amsterdam Child Labour Conference (1997),

- Declaration of the Ninth SAARC Summit in Male' (May 1997),
- Cartagena Declaration on the Elimination of Child Labour (May 1997),
- Recommendations of the OAU Summit in Harare (June 1997).

1.3 Investment in the physical, mental, spiritual, moral and social development of children is an ethical, a social, and an economic imperative for all societies. The Convention on the Rights of the Child constitutes the legal framework for the promotion and the protection of the civil, political, economic, social and cultural rights of all children in an integrated manner. This means that all children,

without exception, must be ensured survival, personal and social development, and physical, psychological and moral integrity, and that special protection measures must be taken for those in especially difficult circumstances.

1.4 Child labour is both a consequence and a cause of poverty. Thus, strategies for poverty reduction and elimination need to address this problem. Use of child labour slows down economic growth and social development and it constitutes a severe violation of basic human rights (of children). The interconnection between child labour and the social conditions of the child and his/her family should be at the centre of sustainable social development policies. The 20/20 initiative, which invites interested developed and developing countries to allocate, on average, 20% of ODA and national budget, respectively, to basic social programmes including basic education and primary health care, can effectively contribute to the fight against child labour. There is evidence that investment in the human capital from early childhood, e.g. education and health, provides a society with a greater potential for economic and social development.

1.5 Child workers, especially girls, are at high risk, because child labour jeopardises the child's health, safety and education and physical, mental, spiritual, moral or social development. Girls are particularly vulnerable to the dangers of child labour and require special attention.

1.6 Effective action against child labour requires political commitment and the creation of a broad coalition that includes both government and all sectors of society and adequate resources. The obligation to develop and implement policies, legislation, strategies and measures for the elimination of child labour rests with governments. Good governance can maximise the potential for equitable and sustainable economic growth as a strategy to counter child labour. Preventive measures should be recognised as the most cost-effective means to eliminate child labour.

1.7 Education, particularly basic education, is one of the principal means of preventing and eliminating child labour. (The term basic education refers to the years of free compulsory education). Children outside the school system are prone to various forms of exploitation, particularly to economic exploitation such as child labour. Child workers or potential child workers and the flow of children into work can be stemmed by establishing a system of accessible, relevant quality universal, compulsory basic education free for all.

1.8 Cooperation at international level may contribute to standard setting, to overall poverty reduction, to better assessment of the

impact of measures against child labour on the children and their families and in the framework of regional and international cooperation, and to promoting commitments with the aim of eliminating child labour.

1.9 Developed countries will strive for the fulfilment of the agreed United Nations target of 0.7 % of GNP for overall official development assistance (ODA) as soon as possible, and to a more effective use of existing resources in close cooperation with developing countries.

2.Goal and priorities

2.1 The **main goal** is the effective elimination of child labour.

2.2 The objective is to protect the child from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2.3 **Priority** should be given to the immediate removal of children from the most intolerable (extreme) forms of child labour and to the physical and psychological rehabilitation of children involved. In line with such measures, adequate alternatives to these children and their families have to be provided.

2.4 Countries should **progressively move towards** the elimination of all child labour for children of school age (age depending on legislation in each country), to include any activity that interferes with children's development and their education.

2.5 The participants at the Oslo Conference agreed on the urgency to address the issues of child labour as discussed at the conference, and in particular to give priority to the following actions at national and international levels.

3. Action at national level

Policy and programme development

3.1 Ensure that social and **economic policies** to combat poverty focus on the needs of families and the community in their productive and caring activities, especially by implementing measures to provide the families of child workers with sustainable employment and income opportunities.

3.2 Design or accelerate implementation of existing **National Plans of Action for the Child**, as defined in the final document from the World Summit for Children, including strategies which integrate at long, medium and short term, social, political and economic measures for the elimination of child labour, and ensure the necessary resource allocation for their sustainable implementation.

3.3 Improve national systems for **collection of gender disaggregated** information, starting with **birth, civil and death registration** and comprising the scale, distribution and characteristics of child labour and related socio-economic data, including work carried out by very young children and work within the informal sector, inter alia through national censuses and household surveys, and develop the collection of statistical documentation on the progress made in accordance with appropriate indicators.

3.4 Draw up and implement a **time-bound programme of action** to prevent and eliminate all forms of child labour, starting with the most intolerable (extreme) forms. This should include adequate measures for the reintegration of children removed from work.

3.5 View the child in its **social context**, including his/her family and general situation, and ensure that the voices of civil society, including those of the children themselves, their families and the local community, are heard in an appropriate and meaningful way when policies are developed and actions against child labour are decided.

3.6 Establish cross-sectoral and integrated **institutional mechanisms** for the progressive elimination of child labour, such as a high level body, comprising all relevant ministries, and special committees for coordinating the activities of the various actors combating child labour, and define their complementary roles. These mechanisms should also involve local authorities, workers' and employers' organisations, NGOs and other relevant organisations. They should be administered at governmental level and avoid duplication of the work being done by other bodies.

3.7 Establish **multisectoral rehabilitation programmes** for children withdrawn from work, aiming to reintegrate the children into the family, the community and the formal education system.

Social mobilisation and role of civil society

3.8 Promote **changes in social perception** and **increased social awareness**, especially at the local level, by informing, educating, and sensitising parents and children, teachers, communities and

society in general, with regard to the rights of the child especially the right to basic education and to be protected from economic exploitation.

3.9 Identify all groups concerned with and affected by child labour, define the **different strategies** necessary for awareness raising within each group, recognising the need for involving all parties and establishing systems for assessment of the Impact of the various strategies.

3.10 Promote the **empowerment of women**,starting with the girl child, and ensure their full and equal participation in all aspects of society, including decision-making and participation in education and economic development on all levels. Education and improvement of women and girl's economic situation will have a positive impact on the well-being of children in general, and contribute to the elimination of child labour.

3.11 Support the **tripartite cooperation** between government and worker' and employer' organisations in their efforts to reduce incentives for using child labour, and in the implementation of labour legislation in all areas of work, including agriculture, domestic work and small businesses.

3.12 Encourage **action by trade unions** against child labour, in particular by supporting such action as a core issue for their policies, programmes and regular activities, and recognise and support the role of the unions in combating child labour, among others by involving them in the drafling of national plans and policies and in their implementation at all levels, and by encouraging them to promote awareness raising among their members and the public.

3.13 Raise the awareness of **employers' organisations, including the corporate sector**, and involve them in the fight against child labour. Measures with the aim of eliminating the demand for child labour could include identification of where in the chain of production child labour occurs, support the development of voluntary codes of conduct on child labour combined with financial and material investment in programmes and projects to assist children and their families.

3.14 Stimulate **private sector investment** in ways that may contribute to the elimination of child labour, especially where and when rapidly growing investment may give opportunities for new technologies and for replacing child workers by adults.

3.15 Encourage and support the **replacement of child workers** by unemployed adults, preferably from the same extended family wherever possible, and support initiatives to improve economic conditions for poor households. Any economic incentives given to parents of children withdrawn from work should be part of larger income-generating programmes.

3.16 Support the **non-governmental sector** in its efforts to complement and stimulate government action against child labour and to identify and denounce child labour abuses, encourage its further involvement and innovation to include children's participation in child labour action, support its efforts to carry out specific research on child labour and improve information networks and to promote intervention programmes in sectors of risk.

3.17 Support and encourage journalists and other media professionals who may contribute to social mobilisation by providing information of the highest quality, reliability and ethical standards concerning all aspects of child labour.

Education

3.18 Every child has the right to education. All work which interferes with the child's education must be regarded as unacceptable.

3.19 Formulate and implement a **time-bound programme for universal compulsory** basic **education free for all** that will ensure the necessary quality and relevance, as a central component of the national plan of action. This programme should encompass comprehensive policies indicating the current percentage of GNP allotted to basic education, and a target percentage for future allocations, and plans for improvement of education in coverage, quality and relevance. Laws and regulations to ensure that all children have access to school are required.

3.20 Advance the goal of **equal access to education** by taking measures to eliminate discrimination in education at all levels on the basis of gender, race, religion, national origin, age or disability.

3.21 Create a **gender-sensitive educational system** in order to ensure equal education and training opportunities and full and equal participation of women in educational administration and policy- and decision-making.

3.22 Ensure access to and completion of **relevant high-quality compulsory** basic **education free for all** children, paying special

attention to girls to ensure their full and equal access to and possibility to complete such education, develop job training programmes within the general framework of public education, and make educational and vocational information and guidance available and accessible to all children.

3.23 Create **vocational training opportunities and apprenticeship programmes** for both boys and girls above school age that focus on education and training, to be monitored by the competent authorities as a deterrent against exploitative practices, and strengthen such programmes where they already exist.

3.24 **Integrate working children**, wherever possible, into the formal education system. Non-formal education, such as part-time schools and open schools, is a useful transitional measure for reaching working children and children without access to formal education, and so are special programmes that enable working children to access education.

Legislation

3.25 Adopt and implement **national legislation** and policies on child labour in conformity with international standards, and harmonise child labour legislation and policies with legislation and policies governing basic education, including protection of children in the informal sector, taking into consideration gender-specific needs and the effects of ethnic, religious and other forms of discrimination on the incidence of child labour. National legislation should make provision for inspection.

3.26 Promote **awareness raising** and **dissemination of information in an easily understandable form** on local, national and international legislation concerning child labour among adults and working and non-working children alike.

3.27 Strengthen and improve the judiciary and the legal enforcement processes by sensitising and training such personnel as prosecutors and judges, police and correction officers in child labour-related legislation.

3.28 Strengthen and improve the **labour inspection system**, for example by training of labour inspectors and involving different governmental and non-governmental actors in the preparation of a cross-sectoral mechanism of labour inspection that also covers child labour in the informal sector, agriculture and domestic work. Promote community based monitoring systems and establish such systems at the lowest possible administrative level.

3.29 Participate actively in the development and adoption of a **new ILO convention** on the most intolerable (extreme) forms of child labour.

4.Action at international level

4.1 Increase overall **poverty orientation in aid programmes** in promoting economic growth while focusing on the most disadvantaged population groups, facilitating their access to productive employment, education, primary health care and basic social services.

4.2 Encourage the **ratification and implementation of relevant international instruments**, eg the Convention on the Rights of the Child and ILO Convention No.138 and other relevant conventions, and provide technical assistance to efforts aimed at fulfilling the requirements of these instruments.

4.3 **Provide assistance** to countries actively involved in the elimination of child labour, e.g. through bilateral and multilateral programmes, including the ILO's International Programme on the Elimination of Child Labour (IPEC), and examine the possibility of incorporating the obligation to combat child labour as well as the obligation to ensure the rights of children into their programme mandates wherever appropriate.

4.4 Consider examining **existing** bilateral and multilateral **development cooperation programmes** to assess their effects on child labour, and, where appropriate, in cooperation with the developing countries concerned, adjusting the programmes taking into account also this aspect, to ensure a better use of resources and a greater impact.

4.5 Collaborate in the drawing up and implementation of **national plans of action**, including capacity-building measures.

4.6 Contribute to establishing and put into use **quantitative and qualitative** gender disaggregated **indicators** for governments to use in monitoring their commitment to combat child labour, including changes in the situation of working children.

4.7 Support the development in developing countries of **national information collection, research capacity** and **monitoring systems** related to child labour, such as ILO's Statistical Information and Monitoring Programme on Child Labour (SIMPOC), to provide these countries with a tool for understanding the incidence and root

causes of child labour and for planning action and measuring progress in programme intervention.

4.8 Encourage international org anisations, bilateral assistance agencies and international financial institutions to support national research, policy development and monitoring, with regard to the rights of the child, including the elimination of child labour.

4.9 Support existing or contribute to the creation of new **regional systems for information** on and **analysis** of the content and progress of national plans, legislation and statistics.

4.10 Encourage promotion of a **cross-sectoral and integrated approach** to child labour in general, and to related **coordination, exchange of experiences**, and **impact assessment**.

4.11 Encourage national and international debates among media professionals on the economic and social conditions of children, including child labour.

4.12 Support and participate in the work done by **multilateral organisations** and **international financial institutions** to eliminate child labour, especially ILO, UNICEF, the UN Committee on the Rights of the Child, the UN High Commissioner for Human Rights, the World Bank and the regional development banks, and promote better coordination between these organisations and institutions.

4.13 Encourage the development of voluntary codes of conduct on child labour and material and financial investment in programmes and projects to assist children and their families.

4.14 Support country level coordination and monitoring, through the United Nations Development Assistance Framework (UDAF) or other relevant, effective and adaptable coordination frameworks.

4.15 Support the following up of actions towards the elimination of child labour through initiating informal consultations between governments; UN funds and programm~5 and specialised agencies; the World Bank and other financial institutions; the workers' and employers' organisations; the private sector and NGO's.

The **European Forum for Child Welfare** is a network of non-governmental organisations concerned with child welfare across Europe. It is the European regional group of the International Forum for Child Welfare. It was founded in 1991 in Hamburg and keeps an office in Brussels. To-date 65 members come from 20 countries, including Central and Eastern Europe, which provide services in all areas of child welfare. Basic to all EFCW's activities is the UN Convention on the Rights of the Child and its implementation.

Background

Our experience tells us that it is not possible to put geographical boundaries on the well-being of children. Issues such as the growth in sex tourism, the problem of refugees and the implications of international fiscal and foreign aid policies illustrate the interrelationships of the various global regions.

Within Europe there is a transition process to market lead economies which has an enormous impact. Economic changes are accompanied by cutbacks in the budgets, especially in the social sector, which hit a high number of children.

Many existing European Union policy areas affect children and young people but their impact on child/youth protection and welfare is not taken into account in policy formulation and implementation.

It is EFCW's firm conviction that these challenges to which children througout Europe are confronted with can only be effectively met through concerted action on a European-wide scale.

Aims

EFCW aims to raise the profile of child welfare with the European Institutions, and to promote high quality practice througout Europe.

Activities

- To monitor and influence legislation and the development of policy issues at EU level affecting children.
- To supply its members with information on EU policies and funding programmes.
- To bring organisations in contact with each other and support the development of partnership projects.
- To disseminate models of good practice.
- To organise conferences, seminars and expert meetings.
- To develop studies, position papers and publications on various topics.
- To publish a bi-monthly newsletter and a quarterly calendar of events.

European Forum for Child Welfare
53 Rue de la Concorde
B-1050 Bruxelles
Phone : 32 2 511 70 83 – Fax : 32 2 511 72 98
E-mail : efcw@dproducts.be
Internet site: http://www.eurplace.org/orga/efcw/index.html

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